

ORDINANCE NO. 19-01

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, REPEALING ORDINANCE NOS. 84-02 and 08-05; CREATING A COUNTY PARKS AND RECREATION POLICY; PROVIDING DEFINITIONS; HOURS OF OPERATION; PROHIBITED ACTIVITIES; PROVIDING FOR ENFORCEMENT/PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, In order to promote the public health, safety, and welfare of the citizens of Holmes County, Florida, a parks and recreation ordinance is hereby enacted for the general purpose of ensuring the proper balance between the use of park facilities and the preservation of said facilities, law and order; and,

WHEREAS, the intent of the Ordinance is to reduce property damage and closure of facilities due to vandalism, to minimize the hazards of personal injury and loss of life, and to maintain the quality of outdoor recreation resources by establishing rules and regulations governing all parks and recreation facilities that are owned or controlled by Holmes County.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HOLMES COUNTY, FLORIDA, that:

SECTION 1. SHORT TITLE: This Ordinance shall be known as and may be referred to as the “Holmes County Parks and Recreation Ordinance.”

SECTION 2. DEFINITIONS: For the purpose of this Ordinance, the definitions contained in this Section shall apply unless otherwise specifically stated.

2.1. ALCOHOLIC BEVERAGE: Distilled spirits and all beverages containing one-half of one percent or more of alcohol by volume, as determined in accordance with Section 561.01(4), Florida Statute.

2.2. BOARD: The term “Board” shall refer to the Board of County Commissioners of Holmes County, Florida.

2.3. COUNTY PARKS: All real properties owned or controlled by Holmes County which serve as picnic grounds, recreation areas, nature areas, camping areas and access to public fishing waters.

2.4. PARK GROUNDS: The real property upon which parks are located and any and all trees, shrubbery, and other plants, and water and bodies of water located above, on or under said property.

2.5. PARK FACILITIES: Any improvements or structures, either natural or artificial, including, but not limited to, buildings, shelters, benches, tables, playground equipment, walls, fences, fountains, walkways, toilet facilities and signs located in, upon or around a County Park.

2.6. PARKING AREAS: Any designated part of any park or road or any area contiguous thereto which has been set apart for the stopping or parking of any vehicle.

2.7. PERSON: Any individual, person or any firm, partnership, association, corporation, company or organization of any kind, or any combination thereof.

2.8. PUBLIC USE: Any lawful utilization of park grounds and facilities which is not prohibited by an applicable regulation, ordinance or law and which does not interfere with or obstruct the use of park grounds or facilities by any other person or member of the general public who is authorized to use the same.

2.9. PROJECT DIRECTOR: The chief Administrative official of Holmes County, or his/her designee.

2.10. SHERIFF: The Sheriff of Holmes County, Florida, or his/her designee.

2.11. SUNRISE: The time of day designated as sunrise by the Nautical Almanac Office, United States Naval Observatory, Washington, D.C.

2.12. SUNSET: The time of day designated as sunset by the Nautical Almanac Office, United States Naval Observatory, Washington, D.C.

2.13. VEHICLE: Any device in, upon or by which a person or property is or may be transported on highways, streets or roadways, except that the term "vehicle" shall not include bicycles or electric or battery-powered toy cars.

SECTION 3. HOURS OF OPERATION: In general, all County Park Grounds and Park Facilities will be closed to the public from sunset to sunrise each day, with the following exceptions:

3.1. BOAT RAMPS: All County Parks associated with an access point for watercraft to a public waterway (boat ramp) will remain open to the public through the nighttime hours for purposes of fishing. All persons utilizing County Parks pursuant to this Section during nighttime hours do so at their own risk and assume all liability for any loss or injury to persons or property.

3.2. SET HOURS FOR PARTICULAR COUNTY PARKS: Notwithstanding the provisions, herein, and in order to protect County property from abuse and misuse, the County Project Director and/or the Board reserves the right to set the hours for any particular County Park Grounds and Park Facilities. Should the Project Director or the Board set hours of operation of a particular Park Ground or Park Facility in conflict with the hours established in this Section, the Project Director shall prepare, install, and maintain a prominent sign or signs in said County Park or Facility that specifies the opening and closing hours. The hours of operation for each County Park and County Facility shall also be designated on a schedule posted in the County Administrative building.

3.3. VIOLATIONS: It is unlawful for any person to enter or remain in any County Park or County Facility that is closed to the public. Persons found to be in violation of this Ordinance shall be prosecuted to the fullest extent of the law and as set forth in Section 6, below.

SECTION 4. PROHIBITED ACTIVITIES: Except for activities of a governmental agency within the scope of its governmental authority, or unless specifically permitted to do so by the County Project Director, it shall be unlawful for any person to do any one or more of the following in a County Park or Recreational Facility:

4.1. Sit in or on any trash receptacle provided by public use.

4.2. Shave, shower, or bathe or otherwise be or remain in any water fountain, reservoir, lake, stream, pond or other body of water located in any County Park.

4.3. Shave, shower, or bathe in a public restroom or locker room; provided, however, that showering is permitted where shower facilities are specifically provided for public use.

4.4. Engage in any form of construction or digging, or related activity unless authorized in advance by the Project Director or his/her designee.

4.5. Pick flowers or damage or remove plants, trees, shrubs, grass or any other part of the park grounds, unless authorized in advance by the Project Director or his/her designee.

4.6. Erect signs or distribute, display or affix signs on any tree, post or Park Facilities or Grounds, except signs posted by the Project Director pursuant to this Ordinance.

4.7. Place, dump, abandon or leave any mammal, reptile or bird, either wild or domestic, in an effort to find a home for such creature on Park Grounds.

4.8. Cook food except where facilities for such preparations are provided by the County, or when cooking is otherwise authorized by the Project Director.

4.9. Set or stoke a fire except where appropriate facilities are available. In designated areas where campfires are permitted, the fire should be a small/manageable size and attended at all times by a competent person. Only clean-burning logs, charcoal and clean wood that is not treated, painted, glued or stained shall be used in any permitted campfire. At no times shall tires or other toxic substances be burned in any County Park.

4.10. Stop, stand or park any vehicle as defined in this Ordinance in an area not specifically designated for parking.

4.11. Operate any vehicle on Park Grounds in or on any area not specifically designated as a park road.

4.12. Operate any vehicle in violation of the laws regulating traffic as provided in this Code and in Chapter 316, *Florida Statutes*.

4.13. Swim or wade in any waters in any County Park where such activity is prohibited.

4.14. Engage in any activity which is dangerous to the health, safety or welfare of another or which interferes with the use and enjoyment by others of the County Park or its facilities.

4.15. Conduct any yard sale, rummage sale, or any other similar sale of new or used personal property unless properly permitted through the Project Director, except for such special events organized and sponsored by the County.

4.16. Discharge or deposit human wastes except in toilet facilities provided by the County.

4.17. Write on, draw on or otherwise deface, damage, remove or destroy any park property or facility or any other part of the park grounds.

4.18. Kill, injure, harm, capture, chase, poison or remove any wildlife, animal, bird or egg located above, in, on or under park grounds.

4.19. Discharge any firearm, air gun, slingshot, bow and arrow, or spear gun unless such instrument or device is required for participation in an activity which is organized or sponsored by the County.

4.20. Loiter in or near any structure or facility which is designated for exclusive use by members of the opposite sex.

4.21. Take into, dump or deposit in any park any trash or refuse of any kind; provided, however, that such refuse and trash may be disposed of properly by placing it in designated containers. Where such containers are not available, persons responsible for the refuse or trash shall remove it from the park for proper disposal elsewhere.

4.22. Throw, discharge or otherwise place or cause to be placed in the water of any fountain, pond, lake, stream or other body of water located in or adjacent to any county park, or any drain flowing into such waters, any substance, matter or thing, either liquid or solid, which may pollute such waters.

4.23. Possess any glass container whose primary purpose is the holding of any liquid to be used or consumed by any person on those County Park Grounds associated

with an access point for watercraft to a public waterway (boat ramp) or on any County Park Grounds where swimming in public waters is permitted.

SECTION 5. PROHIBITED SUBSTANCES:

5.1. CONTROLLED SUBSTANCES: It shall be unlawful for any person to use, possess, consume, purchase, dispense, sell or offer for sale any controlled substance, as defined in Chapter 893, *Florida Statutes*, in any County Park or County Facility.

5.2. ALCOHOLIC BEVERAGES: It shall be unlawful for any person to have in his or her possession an open container of an alcoholic beverage in any County Park or County Facility, unless prior authorization has been granted by the County Project Director.

SECTION 6. ENFORCEMENT AND PENALTIES: In addition to all other means of enforcement provided for in Florida law, violations of this Ordinance may be enforced by the County and the Holmes County Sheriff's Office as provided for in Section 125.69, *Florida Statutes*. Such enforcement includes criminal prosecution in the same manner as misdemeanors and imposition of fines not to exceed \$500.00 or imprisonment in county jail not to exceed 60 days or by both a fine and imprisonment. Furthermore, any violation of this Ordinance shall be cause for immediate removal or ejection from the County Park or Recreational Facility and the issuance of a Trespass Warning against the offending person prohibiting said person from accessing any County Park or Recreational Facility in the future.

SECTION 7. REPEAL: All prior Ordinances of the Board regarding County Parks are hereby repealed. Specifically, but not limited to, Holmes County Ordinance No. 84-02 and Holmes County Ordinance No. 08-05 are hereby repealed and superseded by this Ordinance.

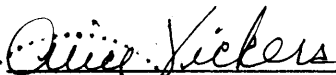
SECTION 8. SEVERABILITY: If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

SECTION 9. CAPTIONS: The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

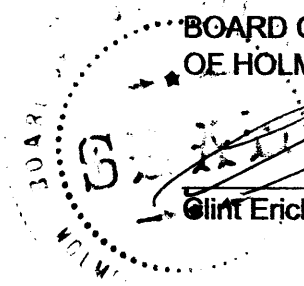

SECTION 10. EFFECTIVE DATE: This Ordinance shall become effective as provided by law.

APPROVED and ADOPTED by a majority of the Board of County Commissioners of Holmes County, Florida this 25th day of June, 2019.

ATTEST:

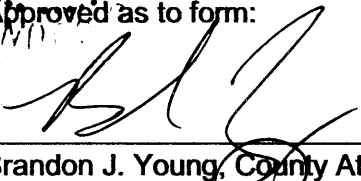


Alice Vickers, Clerk of Court


BOARD OF COUNTY COMMISSIONERS
OF HOLMES COUNTY, FLORIDA


Clint Erickson, Chairman

Approved as to form:



Brandon J. Young, County Attorney