

ORDINANCE NO. O-24-20

AN ORDINANCE OF THE CITY OF SEBASTIAN, FLORIDA, RELATED TO CITY OF SEBASTIAN CODE OF ORDINANCES - CHAPTER 74 PARKS AND RECREATION; AMENDING SECTION 74-4(a)(2) RELATED TO SMOKING AND VAPING WITHIN CITY PARKS, AMENDING SECTION 74-4(a)(11) RELATED TO E-BIKES AND E-SCOOTERS WITHIN CITY PARKS AND CREATION OF SECTION 74-4(a)(15) PROHIBITING RELEASE OF BALLOONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR SCRIVENER'S ERRORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the parks and recreation facilities in the City of Sebastian are governed by Chapter 74 of the City's Code of Ordinances; and

WHEREAS, it is in the public interest to periodically review and amend the City of Sebastian Code of Ordinances for updates and legal compliance; and

WHEREAS; based on recent changes made in Florida State Statutes, it is recommended to amend Chapter 74 in three areas; and

WHEREAS, Section 74-4(2) amends language relating to smoking and tobacco use, now including all tobacco products and electronic smoking devices except for unfiltered cigars; and

WHEREAS, Section 74-4(11) now includes E-Bikes and E-Scooters as prohibited in parks; and

WHEREAS, proposed Section 74-4 (15) has been added to address the prohibition of balloons and the intentional release of balloons in parks.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTIAN, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE INTENT. The Recitals contained in the Whereas clauses above are hereby found to be the true and correct legislative findings of the City Council of the City of Sebastian.

SECTION 2. AMENDMENT. *That the Code of Ordinances, City of Sebastian, Florida is hereby amended Chapter 74-4, Parks and Recreation, which said Chapter and Section(s) shall be amended to read as follows:*

Sec. 74-4. General regulations for recreational facilities.

(a) *Prohibited conduct; unlawful acts.* No person shall:

- (1) Use profane, obscene or threatening language or conduct within the area which unreasonably interferes with the enjoyment of the recreational facility by others.

(2)-Use any tobacco products or electronic smoking devices in any park or recreation facility, whether indoors or outdoors, except for unfiltered cigars.

(3) Knowingly interfere with, encumber, obstruct or render dangerous any part of a facility.

(4) Enter or leave any park facility by motor vehicle except at established entrance ways or exits, or at established times.

(5) Use an electronic public address system or other mechanical sound amplification devices, including radios and electronic sound reproduction equipment of any kind at such a high-volume level as to unreasonably interfere with the use and enjoyment by others of the facility.

(6) Build or set fires except on cooking grills or self-contained cooking units in specified areas or upon written approval of the city manager.

(7) Possess, consume or serve any alcoholic or intoxicating beverages in any area therein unless in accordance with regulations allowing the same in conjunction with a city sponsored event, or as authorized by a city permit for a function held at a public use facility.

(8) Cause or permit a dog or other domestic animal, other than a service animal within the scope of F.S. § 413.08, to enter the area unless such pet is maintained on a leash of six feet or less. No dogs or other domestic animals shall be brought into any enclosed public use facility except in accordance with the aforementioned statute.

This subsection does not apply to city-designated dog parks where activities are conducted in accordance with posted rules and regulations.

(9) Dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash anywhere on the grounds of the parks other than in proper receptacles provided therefor, and no such refuse or trash shall be placed in any waters in or contiguous to, the parks or beach areas. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(10) Drive or park any unauthorized motor vehicle on any area within any park or recreational area except designated park roads or parking areas; park any motor vehicle that is not authorized by the city manager in any area other than an established or designated parking area; or park any motor vehicle that is not authorized by the city manager within any recreational facility during the established hours that said area is closed to the public.

(11) Ride a bicycle on other than a designated vehicular road or path designated for that purpose; leave a bicycle in any place other than a bicycle rack when such is provided, or leave a bicycle lying on the ground or paving or any place or position so as to present any obstruction to pedestrian or vehicular traffic. This includes E-Bikes, scooters and E-Scooters.

(12) Post public notices except in designated areas and in accordance with time and place restrictions established by the city manager.

(13) Operate a concession; sell, peddle, or solicit sell in any park without written prior approval of the city manager or his designee.

(14) Bed down or sleep in parks or recreational areas including any parking area except upon written approval of the city manager; nor shall camper trucks, buses or trailers be permitted to remain in such parking area between the hours of 12:00 midnight and 6:00 a.m. except boat trailers may remain in areas designated for the parking thereof during the time between launch and return of the watercraft it has transported.

(15) Intentionally release balloons and other inflated objects outside in open air public facilities and parks.

SECTION 3. CODIFICATION. The Sections of the Ordinance shall be codified within part of the City of Sebastian Code of Ordinances and may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

SECTION 4. CONFLICTS. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionally shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

SECTION 6. SCRIVENER’S ERRORS. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager’s designee, without need of further action of City Council by filing a corrected copy of same with the City Clerk.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption by the City Council.

The foregoing Ordinance was moved for adoption by Council Member Nunn. The motion was seconded by Council Member Jones and, upon being put to a vote, the vote was as follows:

Council Member Dodd	<u>aye</u>
Council Member Dixon	<u>aye</u>
Council Member Jones	<u>aye</u>
Council Member McPartlan	<u>aye</u>
Council Member Nunn	<u>aye</u>

The Mayor thereupon declared this Ordinance duly passed and adopted this 20th day of November, 2024.

CITY OF SEBASTIAN, FLORIDA

By: Bob McPartlan
MAYOR Bob McPartlan



ATTEST:

Jeanette Williams
JEANETTE WILLIAMS, MMC
CITY CLERK

Approved as to form and legality for reliance by the City of Sebastian only:

J. Crock
JENNIFER COCKCROFT, ESQ., BCS