

ORDINANCE NO. 08- 17

AN ORDINANCE RELATED TO HILLSBOROUGH COUNTY PARKS, RECREATION AND CONSERVATION DEPARTMENT FACILITIES AND PROPERTY; PROVIDING DEFINITIONS; REPEALING HILLSBOROUGH COUNTY ORDINANCE 97-14; PROVIDING FOR REGULATION OF PARKS, PARK PROPERTY USAGE AND PERMITS; PROVIDING FOR REGULATION OF VEHICLES AND TRAFFIC WITHIN PARKS; PROVIDING FOR PRESERVATION OF PARK PROPERTY; PROVIDING FOR PROTECTION AND PRESERVATION OF PLANTS, WILDLIFE AND BODIES OF WATER; PROVIDING FOR THE PROHIBITION OF CERTAIN ACTIVITIES; PROVIDING FOR REGULATION OF RECREATIONAL ACTIVITIES AND FACILITIES IN PARK AREAS; PROVIDING FOR THE REGULATION OF DOMESTIC ANIMALS; PROVIDING FOR THE REGULATION OF EXOTIC ANIMALS; PROVIDING FOR THE REGULATION OF GAMBLING AND RAFFLES IN PARKS; PROVIDING FOR THE REGULATION OF PUBLIC DEMONSTRATIONS, GATHERINGS, PERFORMANCES IN PARKS; PROVIDING FOR THE REGULATION OF ALCOHOLIC BEVERAGES IN PARKS; PROVIDING FOR THE REGULATION OF FIRES AND CAMPFIRES IN PARKS; PROVIDING FOR THE REGULATION OF REFUSE AND TRASH; PROVIDING FOR THE REGULATION OF MERCHANDISING, VENDING AND PEDDLING IN PARKS; PROVIDING FOR THE REGULATION OF ADVERTISING, PUBLICITY AND SIGNAGE IN PARKS; PROVIDING AUTHORITY FOR THE PARKS, RECREATION AND CONSERVATION DEPARTMENT TO ESTABLISH ADDITIONAL REGULATIONS FOR THE PARKS; PROVIDING FOR THE ENFORCEMENT OF REGULATIONS AND PERMITS; PROVIDING FOR LIBERAL CONSTRUCTION, SEVERABILITY AND EFFECTIVE DATE OF ORDINANCE.

WHEREAS, The Board of County Commissioners of Hillsborough County, pursuant to Section 125.01, Florida Statutes (2008), is authorized to provide parks, preserves, playgrounds, recreation areas and other recreation and cultural facilities and programs for the welfare of its citizens; and

WHEREAS, Hillsborough County owns and maintains land in the County designated as county parks, athletic complexes, nature preserves, playgrounds, trails, greenways, recreation areas, dog parks and other recreational facilities for the use and enjoyment of residents and visitors.

WHEREAS, the Board of County Commissioners of Hillsborough County adopted Ordinance 97-14 in 1997 which has governed the general operation and use of Hillsborough County's Parks and riding in parks owned or managed by Hillsborough County; and

WHEREAS, due to the current needs of the Parks, Recreation and Conservation Department, Ordinance 97-14 needs to be repealed and a new Ordinance adopted for the more efficient and effective operations of Hillsborough County Parks and Recreation areas; and

WHEREAS, the intent of this Ordinance is to provide rules to protect such parks and County recreation facilities described herein as "Parks" and "Park Property", and enable people to use such parks and park property for recreation purposes without unwarranted interference or obstruction occasioned by inconsistent uses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONER OF HILLSBOROUGH COUNTY, FLORIDA:

SECTION 1. DEFINITIONS.

The following terms when used in this Ordinance shall have the meanings ascribed to them in this section.

(a) "*Alcoholic Beverages*" shall have the meaning set forth in Section 561.01 of the Florida Statutes (2008).

(b) "*County*" shall mean Hillsborough County, a political subdivision of the State of Florida.

(c) "*Department*" shall mean the Hillsborough County Parks, Recreation and Conservation Department.

(d) "*Director*" shall mean the Director of the Hillsborough County Parks, Recreation and Conservation Department.

(e) "*Domestic Animal(s)*" shall mean any dog, cat, primate, pot-bellied pig, bird, ferret, or snake that has been housed and fed by humans and that has been tamed and is fit to be around humans and the human environment.

(f) "*Exotic Animal(s)*" shall mean an animal species that is not native to Florida and/or the Central Florida area.

(g) "*Law Enforcement Officer(s)*" shall mean any law enforcement officer be they city, county, state, or federal, having jurisdiction in which the park property lies, to enforce any ordinance, rule, code, statute or other law.

(h) "*Non-profit agency*" shall mean an agency which has been held to be tax-exempt under the provisions of Section 501 of the Internal Revenue Code.

(i) *Park(s)*" shall mean parkways, recreational areas, preserves, natural areas, greenways, linear parks and all other areas, structures and facilities operated and/or maintained by the Hillsborough County Parks, Recreation and Conservation Department, and shall include, but is not limited to, parks, parkways, playgrounds, recreation fields, trails, athletic complexes, open green spaces, dog parks, community centers, museums, auditoriums, ranges and buildings, lakes, streams, canals, lagoons, waterways, springs, water areas and beaches therein, and all public service facilities conducted on the grounds, water areas, buildings and structures in Hillsborough County which are under the control of or assigned for upkeep, maintenance or operation by the Parks, Recreation and Conservation Department of Hillsborough County.

(j) *"Park Official(s)"* shall mean the County's Parks, Recreation and Conservation Department managers, their assistants, and any authorized individuals employed by the County's Parks, Recreation and Conservation Department.

(k) *"Park Property"* shall mean parkways, recreational areas, preserves, natural areas, greenways, linear parks and all other areas, structures and facilities owned and/or operated and/or maintained by the Hillsborough County Parks, Recreation and Conservation Department as specifically defined in Subsection (i) above.

(l) *"Parking Area(s)"* shall mean any part of any park road, drive, or area that is designated for the standing or stationing of any vehicles.

(m) *"Permit(s)"* shall mean a document, contract or certificate provided by the Department granting permission for use of reserved park/facility areas and/or to conduct and/or take part in a specific activity at a specific location and which sets forth the terms and conditions applicable thereto.

(n) *"Person(s)"* shall mean any natural Person, firm, association, joint venture, partnership, estate, trust, business trust, fiduciary, corporation, and all other groups and combinations thereof.

(o) *"Remote-Controlled Vehicles/Vessels"* shall have, but is not limited to, the following meaning: any cars, planes, helicopters, boats and/or other vehicles or vessels powered by battery, electricity or other power source and operated remotely and/or by hand-held controllers for recreational purposes.

(p) *"Service Animal(s)"* shall mean any guide or signal dog or other animal that is individually trained to provide assistance to a Person with a disability such as a Person who is visually impaired, blind, hearing impaired, deaf, physically challenged or a similarly health impaired Person.

(q) *"Vehicle(s)"* shall mean any wheeled conveyance (except a baby carriage or wheelchair) for transportation of Persons or materials, and shall include, but is not limited to, wheeled conveyances that are:

- (1) powered or drawn by motor such as an automobile, bus, truck, motorcycle, a motorized or non motorized scooter, ATV's motorized vehicle , mini bike, or recreational vehicle;
- (2) animal-drawn such as carriage, wagon, or cart;
- (3) any self-propelled vehicle such as a bicycle, tricycle, or skateboard, scooter; or
- (4) any trailer in tow of any size, kind or description.

The term "vehicle" does not include any recreational or park transportation service operated or authorized by the County's Parks, Recreation and Conservation Department or any emergency vehicle while performing an emergency service on the Park Property.

(r) "*Vessel(s)*" is synonymous with the word "boat" as referenced in s. 1(b), Art VII of the Florida State Constitution and includes every description of watercraft, barge, and air boat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

SECTION 2. REPEAL OF ORDINANCE 97-14.

Hillsborough County Ordinance No. 97-14 hereby repealed and the provisions in this Ordinance shall hereby govern the operation and use of the County's Parks and Park Property.

SECTION 3. PARK, PARK PROPERTY USAGE & PERMITS.

(a) *County Policy:* It is the policy of the County to afford all citizens of the County the opportunity to utilize County Parks and Park Property and to participate in free speech activities within the Parks and Park Property to the fullest extent permitted by law. The Director has the authority to establish guidelines and procedures for the permitting of special events, demonstrations, gatherings, performances or other mass assemblies at County Parks in accordance with this Ordinance and in a content neutral manner. The purpose of the permit system is not to exclude communication of a certain content but to coordinate multiple uses of limited space to assure preservation of the Parks to prevent uses that are dangerous or unlawful or inconsistent with the Department's rules and regulations, to ensure maintenance of proper security, and to assure financial accountability for damages caused by an event.

(b) *Hours of Operation/Use:*

- (1) No Person shall be or remain in any part of any Park which is fenced-in or equipped with gates, between the closing of the gates at night and the re-opening of the gates.
- (2) No Person shall be or remain in any Park that is not fenced-in or equipped with gates, between sunset and sunrise of the following day, or as otherwise specifically posted. This shall not apply to twenty-four (24) hour facilities or areas located within the Parks, or areas of the Parks where lighting is provided for a specific

activity that takes place after sunset; whereupon, Persons or Vehicles may pass through the applicable Parks, without stopping, on the most direct walk or driveway leading from their point of entrance to the exit nearest to their point of destination.

- (3) Certain areas of the Parks that are designated for daylight use only (example: trails, greenways, linear parks) shall only be used from sunrise to sunset.
- (4) The provisions of this Sub-Section shall not apply to Law Enforcement Officers, or Department Officials while in the discharge of their duties.
- (5) The provisions of this Sub-Section shall not apply to Persons having a written Permit issued by the Department that allows such Persons to be or remain in any part of the Parks when the Park is closed to the public.
- (6) The Director has the authority to change and/or establish exceptions to the opening and closing hours set forth above when it is in the interest of the public's health, safety or welfare; whereupon, such exceptions shall be posted at the entrance of the applicable Parks and must be obeyed accordingly.
- (7) A Person's presence in and/or use of the Parks or Park Property contrary to the provisions set forth in this Sub-Section shall be deemed to be a trespass on Park Property and such Person shall be treated as a trespasser in accordance with the Florida Statutes.

(c) *Entry on to Construction Sites, Unfinished or Withheld Park Areas:* No Person, except as authorized by the Department, shall enter upon any part of any Park or Park Property which is in an unfinished condition, sensitive environmental land, under construction or withheld from general public usage in the interest of public safety, health and/or welfare. It shall be a felony of the third degree, punishable as provided for in Chapter 775 of the Florida Statutes (2008), if the property trespassed upon is a construction site that is identified as such and has a posted sign that contains wording that is substantively similar to the following wording: "THIS AREA IS A DESIGNATED CONSTRUCTION SITE, AND ANYONE WHO TRESPASSES ON THIS PROPERTY COMMITS A FELONY."

(d) *Closure of Parks:* The Director or an authorized representative of the Department shall have the authority to close any Park, or section/area of a Park, to the public at any time when a condition exists that presents a hazard or danger to the Park, the Park Property and/or the public's health, safety or welfare.

(e) *Permits for Use of Park Facilities/Areas:*

- (1) Park facilities and/or areas shall not be reserved unless there is a Permit issued by the Director or his/her designee for the reservation and use of such Park facility and/or area. The Director has the authority to develop a permitting system and related rules

and regulations for the use of the Park and/or Park facilities and areas.

- (2) Permits requested for the use of reserved Park facilities for for-profit activities require the approval of the Hillsborough County Board of County Commissioners. Permits requested for the use of reserved Park facilities for not-for-profit activities can be approved by the Director.
- (3) Park areas or facilities that may be reserved, include, but are not limited to, designated athletic fields, group picnic shelters and associated facilities, recreation and civic facilities, and those areas requested for use for special events.
- (4) Persons that receive Permits for the use of reserved Park facilities and/or areas must comply with all applicable laws, rules and regulations. Violation of such rules and regulations and/or the conditions and requirements of the Permit shall result in suspension or revocation of such Permit.
- (5) Any Person that has been issued a Permit to use Park facilities must have the Permit in their possession while using the Park areas or facilities during their designated times. Upon the request of a Department Official and/or Law Enforcement Officer, any Person occupying a structure or conveyance in a Park must produce a Permit.
- (6) Any Person that uses or occupies a reserved Park area or Park facilities without a Permit or written permission from the Department may be considered trespassing on Park Property.

(f) Permits for Use of Park Facilities/Areas for Special Events, Large Groups & Rallies:

- (1) Public meetings, assemblies, music festivals, rallies and political events involving an anticipated attendance of more than 50 people are prohibited within the limits of any Park unless the organizers of such events or activities obtain a written Permit from the Department prior to the event or activity.
- (2) Permits requested for the use of reserved Park facilities for for-profit events and activities require the approval of the Hillsborough County Board of County Commissioners. Permits requested for the use of reserved Park facilities for not-for-profit events and activities can be approved by the Director.
- (3) Prior to issuance of a Permit, the applicant must disclose certain information to the Department, which includes, but is not limited to, the following: (aa) the anticipated number of Persons expected to attend the event/activity, (bb) arrangements for sanitation and garbage disposal, (cc) crowd control information, and (dd) whether an electrically amplified sound system will be used and, if so, its output.

- (4) The Department may establish conditions for issuance of the Permit including, but not limited to, the following: (aa) requirements for the applicants/organizers to obtain reasonable security for the event/activity, (bb) requirements that the applicants/organizers pay or reimburse the County for any costs the County may incur as a result of the use of the Park for the event/activity; and (cc) minimum insurance requirements.
- (5) The Department Director or his/her designee will review the Permit application to determine whether such use can be accommodated and whether a Permit will be issued. Applications for permits shall be processed in order of receipt and must be granted or denied within 14 days of receipt. If the application is not denied or granted within 14 days, the application will be deemed granted. The content of the speech or expression shall not be requested as part of the application process and shall not be considered as a basis for denying a permit application. Any denials must clearly set forth in writing the grounds for denial and, where feasible, must propose measures to cure the defects in the permit application. When the basis for denial is prior receipt of a competing application for the same time and place, the Department must suggest alternative times and place. Applications can be denied for the following reasons:
 - (aa) the application for permit (including any required attachments and submissions) is not fully completed and executed;
 - (bb) the applicant has not tendered the required application fee if any required with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the times prescribed by the Department;
 - (cc) the application for permit contains a material falsehood or misrepresentation;
 - (dd) the applicant is legally incompetent to contract or to sue and be sued;
 - (ee) the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged Park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the Department;
 - (ff) a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not

- reasonably permit multiple occupancy of the particular park or part hereof;
- (gg) the use or activity intended by the applicant would conflict with previously planned programs approved by the Department and previously scheduled for the same time and place;
 - (hh) the use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, or other users of the park, Department employees or of the public;
 - (ii) the use or activity intended by the applicant is prohibited by law.
- (6) Permits from other County Departments or governmental entities (including the Board of County Commissioners) may be required in order to hold the event/activity (e.g. permits for festivals involving expected attendance of 500 or more, permits for traffic access and parking, etc.); whereupon, the organizer/applicant will be solely responsible for obtaining these additional permits.
 - (7) If a Permit is granted, then any and all publicity or marketing of the event/activity must clearly indicate the event/activity is not a Hillsborough County sanctioned event.
 - (8) Applicants/Persons that receive Permits must ensure that their use of the Park and its facilities/areas complies with all applicable laws, rules and regulations.
 - (9) All applicants/Persons that have been issued Permits to use Park facilities must have the Permit in their possession while using the Park areas or facilities during their designated times and must produce such Permit upon the request of a Department Official and/or Law Enforcement Officer.
 - (10) Any event/organized activity that is held at a Park and/or Park Property without a Permit or written permission from the Department may be considered a trespass.

(g) *Facility/Area Rental Policy:*

- (1) No Person shall duplicate, loan or give a key used by the Department for a padlock or door lock of any type, nor shall any Person divulge the combination of any lock unless authorized to do so by the Director or his/her designee.
- (2) No Person that rents or receives a Permit or permission to use Park facilities/areas shall damage the Park Property or its facilities in any way. In the event such Person or such Person's employees, volunteers, agents, participants or invitees damages Park Property (including, but not limited to, its grounds, structures, habitat, facilities or fixtures), whether willfully or accidentally, then such

Person will be responsible for immediately and fully repairing the damage or reimbursing the Department for such repair, at the sole discretion of the Department.

- (3) Any Person that rents or receives a Permit or permission to use Park facilities/areas acknowledges and agrees that the County and/or the Department is not responsible or liable for any damage to or loss of goods, structures, equipment or property belonging to, borrowed, or leased by such Person whether such damage or loss is due to power failure or equipment malfunction, theft, fire, flood, force majeure, act of terrorism, vandalism and/or any other cause, unless (and then only to the extent) caused by the negligence, intentional or willful action of the County.

SECTION 4. REGULATION OF VEHICLES AND TRAFFIC WITHIN PARKS.

(a) Operation and Use of Vehicles in Parks:

- (1) All Persons in or on Parks or Park Property shall follow all applicable Vehicle laws. All applicable Vehicle laws are enforceable within Park Property.
- (2) All Persons shall carefully observe and obey all traffic signs indicating speed, direction, caution, stopping or parking and all other signs posted for proper control and the safeguarding of life and property.
- (3) All Persons shall use designated and/or approved access and exit points to enter and exit Park Property.
- (4) Locks, gates, and fences are not to be altered for access and/or exit unless written approval is granted by the Director or his/her designee.
- (5) Any Person driving, operating, controlling or propelling any Vehicle shall operate such Vehicle only on designated paved or improved Park roads or driveways, except when otherwise directed by a Law Enforcement Officer or Park Official.
- (6) No driver or operator of any Vehicle shall obstruct traffic or park or stop on any road or driveway except at places designated for parking or stopping or in the event of an emergency beyond the control of the driver or operator. At designated places, a Vehicle may be stopped for no more than fifteen (15) minutes in order for the occupants to view scenic features.
- (7) No Person shall operate a Vehicle on Park Property that makes such loud, excessive and unnecessary noise so as to create a nuisance in any County Park. Noise shall be considered a nuisance where it produces actual physical discomfort and annoyance to Persons of ordinary sensibilities.
- (8) Persons performing work for the Department which necessitates the use of Personal motorized Vehicles within the Park must carry

a copy of their written authorization (Permit, contract, letter, etc.) at all times while working within Park boundaries.

(b) *Speed of Vehicles in Parks:* The speed limit in Parks and on Park Property is fifteen (15) miles per hour (m.p.h.) or as otherwise posted.

(c) *Direction of Traffic:* All Law Enforcement Officers and such Park Officials as are authorized and designated by the Director or his/her designee shall direct traffic whenever needed within Park Property in accordance with Florida Statutes and any other rules and/or regulations established by the County and/or the Department.

(d) *Parking:*

- (1) Any Person who parks a Vehicle on Park Property shall do so only in areas or facilities designated for that particular type of Vehicle unless otherwise directed by a Law Enforcement Officer or Park Official.
- (2) Park Officials that have the employment classification of "Park Ranger" are hereby designated and shall have the duty to enforce parking regulations within the County Parks.

(e) *Towing:*

- (1) Any Vehicle, including commercial Vehicles, parked in an unauthorized area may be towed away at the owner's expense.
- (2) No Person shall tow another Vehicle or wheeled device on Park roads except when the towed Vehicle is used in transporting authorized recreational Vehicles, horse trailers, or small boats into designated areas, or when necessary to remove a disabled, unauthorized or illegally parked Vehicle.

(f) *Trucks, Buses, Taxis, Commercial Vehicles & Vehicles for Hire:*

- (1) No Person shall operate any truck, commercial Vehicle or bus of any type on any restricted Park road or Park Property without prior authorization from the Department other than for the purpose of performing authorized Park maintenance or engaging in other activities authorized by the Department.
- (2) Trucks, buses and commercial Vehicles used solely to transport Persons to any Park or Park Property for recreational purposes shall be allowed to use Park roads and Parking Areas for ingress and egress in the same manner as provided for conventional passenger vehicles.
- (3) No Person shall operate any Vehicles for hire in any Parks except those authorized by the Department and those legally authorized to carry passengers for hire or for fare.

(g) *Maintenance & Repair of Vehicles on Park Property:* No Person shall wash, change any parts, repair, grease, wax, polish or clean any Vehicle on any Park roadway, parkway, driveway, parking lot or other Park Property unless authorized to do so by a Park Official.

(h) *Vehicles/Property Advertised for Sale:* No Person shall intentionally park or place a Vehicle or Personal property on Park Property for the principal purpose of advertising it for sale pursuant to Hillsborough County Ordinance No. 98-48, § 3, as amended by Hillsborough County Ordinance No. 00-18, §1.

(i) *Vehicles Using Gasoline, Diesel or Explosive Mixtures:* All Vehicles using gasoline, diesel, or any other explosive mixture as a power source must have a muffler or other sound deadening device at all times while being used or operated on Park Property.

SECTION 5. PRESERVATION OF PARK PROPERTY.

(a) *Buildings, Facilities and Other Property:* No Person shall willfully mark, deface, injure in any way, displace, remove or tamper with, any Park buildings, bridges, tables, benches, fireplaces, railings, paving, water lines, or other public utilities or parts or appurtenances thereof, Park signs, notices, or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers or other structures or equipment, facilities or Park Property or appurtenances whatsoever, whether real or personal.

(b) *Historical, Cultural, Archaeological Items, etc.:* No Person shall damage, alter or remove any cultural, historical or archaeological items or artifacts from any Park Property without the prior written approval of the Director or the County.

SECTION 6. PROTECTION AND PRESERVATION OF PLANTS, WILDLIFE & BODIES OF WATER.

(a) *Plants, Trees, Shrubbery, Grass, etc.:*

- (1) Trees, plants, plant matter, vegetations, shrubbery, grass, etc. are considered real property assets of the County.
- (2) No Person shall cut, carve, or injure the bark or break off limbs or branches, or pick the flowers or seeds of any tree, plant, vegetation or shrub within the Parks and/or Park Property unless specifically authorized to do so by the Director or his/her designee.
- (3) No Person shall dig in or otherwise disturb grass areas or install any vegetation or in any other way injure, alter or impair the natural beauty or usefulness of any area within the Parks and/or Park Property unless specifically authorized to do so by the Director or his/her designee.
- (4) No Person shall pile debris or material of any kind on or about any natural feature, tree, plant or vegetation, or attach any rope, wire,

or other contrivance thereto, whether temporary or permanent in character or use, within the Parks and/or Park Property unless specifically authorized to so by the Director or his/her designee.

- (5) No Person shall damage or remove plants or plant materials, trees or parts thereof or any flowers or nuts or seeds whatsoever from any Park and/or Park Property. However, Park Officials may make such removals, and the Director or his/her designee may issue specimen collecting Permits to scientists, students of Botany and other similarly situated individuals authorizing such removals.

(b) *Wild Animals, Birds, Zoo Animals etc.:*

- (1) All natural habitats within Park Property are protected from injury or alteration.
- (2) No Person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, shoot, throw or propel any missiles by any means at any wildlife creature be it mammal, bird, amphibian, or reptile roaming free about a Park or in captivity in any zoo or cage unless specifically authorized to so by the Director or his/her designee.
- (3) No Person shall remove or possess the young of any wild animal or the nest or eggs of any reptile or bird unless specifically authorized to so by the Director or his/her designee.
- (4) No Person shall feed any zoo animals, birds or reptiles which are on restricted diets when posted signs or other notice prohibits such feeding.
- (5) No Person shall tie or hitch any animal to any tree, plant, rock, vegetation or fixed object within any Park Property unless authorized by Director.
- (6) No Person shall place, dump, abandon or leave any mammal, reptile, amphibian, fish or bird, either wild or domestic on the grounds of any zoo or Park.
- (7) All game, mammals, fish, fowl, birds and other terrestrial and aquatic life that is captured, hunted, killed, taken, destroyed, bought, sold, bartered or in the possession of any Person contrary to the provisions of this Ordinance shall be subject to seizure and confiscation and shall be turned over to the Department.

(c) *Bodies of Water:*

- (1) No Person shall alter, change or damage any body of water located in the Parks and/or on Park Property unless specifically authorized to so by the Director or his/her designee.
- (2) No Person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or any other body of water located within the Parks and/or Park Property, any substance, matter, or thing, including, but not limited to, paper,

metal, glass, garbage, rubbish, trash, fuel, food matter, fecal matter, wood, fishing lines, plastic bags or containers, fiber and plastics - liquid or solid, which would or may result in the littering and/or pollution of said waters.

- (3) No Person shall cut, carve, injure, mutilate, move, displace or break-off any formation or grown on the bottom of any body of water located in the Parks and/or on Park Property unless specifically authorized to so by the Director or his/her designee.

SECTION 7. PROHIBITED ACTIVITIES.

In addition to the prohibitions set forth in this Ordinance, the following activities are prohibited in the Parks and on Park Property:

(a) *Disturbance of Park Patrons and Interference with Park Use:*

- (1) No Person shall disturb or interfere unreasonably with any Person or party occupying any area or participating in authorized activities within the Parks or on Park Property.
- (2) No Person shall conduct or participate in events, projects or activities that could curtail, impede or interfere with the use by others of any Park, facility or recreation area.
- (3) No Person shall engage in any activity within the Parks or on Park Property that is dangerous to the health, safety, or welfare of any Person or which could cause damage to the property of other Persons or Park Property.
- (4) Failure to vacate an area reserved by Permit for another party shall constitute a trespass and shall be treated as a trespass in accordance with Florida Statutes.

(b) *Use of Parks and/or Park Facilities for Financial Gain:* Other than as provided for in this Ordinance, no Person shall conduct any activity or utilize any Park, Park Property or Park area in a manner which will result in financial gain without the prior approval of the Board of County Commissioners or Director or his/her designee.

(c) *Rough/Forceful Games:* The playing of rough/forceful or potentially dangerous games on Park Property is prohibited except in fields, courts or areas of the Park that are specifically designated for such games by the Department. Such games include, but are not limited to, football, basketball, baseball, softball, horseshoes, golf, lacrosse, soccer, cricket, rugby, tennis, volleyball or any other games or exercises involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, shuttlecocks or rockets.

(d) *Smoking:* No Person shall smoke any substance in any areas of the Parks or Park facilities designated as athletic facilities, nature trails, nature areas, dog parks, inside County buildings or in any Park facilities where smoking is prohibited.

(e) *Noise*: No Person shall make such loud, excessive or unnecessary noise so as to create a nuisance in any Park. Noise shall be considered a nuisance where it produces actual physical discomfort or annoyance to Persons of ordinary sensibilities.

(f) *Loitering or Prowling*: No Person shall loiter or prowl in or around any Parks, Park Property or Park areas including, but not limited to, playgrounds, play equipment, restrooms, dressing rooms, bathhouses, picnic shelter areas, Parking Areas, wooded or natural undeveloped areas. Such loitering and prowling behavior shall be interpreted in accordance with Section 856.021 of the Florida Statutes (2008).

(g) *Lewd and Lascivious Behavior*: No Person shall engage in or participate in any lewd and lascivious behavior while in the Parks or on Park Property. The term "lewd and lascivious" behavior shall have the meanings set forth in Chapter 798 and Chapter 800 of the Florida Statutes (2008).

(h) *Use of Restrooms or Facilities Designated for the Opposite Sex*: No Person over the age of six (6) shall occupy or enter any restroom, dressing room, bathhouse, or other Park structure or facility which is reserved or designated by the Department for the exclusive use of the opposite sex.

(i) *Vandalism*: No Person shall willfully mark, deface, damage, injure in any way, displace, remove or tamper with any objects, structures or equipment located in the Parks or on Park Property, including, but not limited to, any buildings, facilities, signs, notices, statues, monuments, electrical light boxes, bridges, tables, benches, fireplaces, grills, railings, paving, water lines, fences, gates, stakes, posts, boundary markers, play equipment, shelters, recreation centers sheds and/or storage sheds.

(j) *Harassment & Disorderly Conduct*: No Person shall harass any other Person while on Park Property. No Person shall engage in loud, boisterous, threatening, abusive, or insulting behavior or engage in any disorderly conduct or behavior tending to breach the public peace while on Park Property. Activity constituting disorderly conduct and/or breach of the peace shall be interpreted in accordance with the Florida Statutes.

(k) *Threatening & Offensive Language*: No Person shall direct threatening, offensive, indecent, insulting or abusive language to any other Person while on Park Property. Such language shall include, but is not limited to, threatening, racially motivated, abusive or insulting language.

(l) *Profane & Offensive Music, Images & Clothing*: No Person shall play profane or offensive music while in the Parks or on Park Property. No Person shall wear or display profane or offensive images and/or clothing while in the Parks or on Park Property.

(m) *Gang Related Activities and Clothing*: No Person shall conduct or participate in gang-related meetings/assemblies or engage in any gang-related activities whatsoever

within the Parks or on Park Property. No Person shall wear gang-related or gang-affiliated clothing or paraphernalia within the Parks or on Park Property.

(n) *Sleeping/Lounging & Living in Parks:* No Person shall sleep or lounge on seats, benches, or other areas located within the Parks or reside/live in the Parks on a temporary or permanent basis. This prohibition shall not apply to security personnel, park rangers or other Park Officials that are authorized to reside/live in the Parks as part of the performance of their duties.

(o) *Erection of Temporary or Permanent Structures:* No Person shall construct or erect any building or structure of any kind, whether permanent or temporary, or run or string any public utility into, upon, across or over any Park lands or Park Property or affix any materials to any Park Property unless such Person receives the prior written approval of the Director or his/her designee.

(p) *Littering:* No Person shall throw, discard, place, or deposit any garbage, rubbish, cans, bottles, containers, tobacco products, foil, papers, trash or refuse in any area of the Parks or facilities within the Parks that are not specifically designated for such trash/garbage disposal.

(q) *Illegal Dumping:* Persons are prohibited from bringing garbage, refuse, trash or dead animals into the Parks or on Park Property for the principal purpose of disposing of or leaving such garbage/refuse in the Parks or on Park Property. Persons are prohibited from disposing of garbage/refuse in the Parks except in clearly designated garbage/refuse receptacles.

SECTION 8. RECREATIONAL ACTIVITIES & FACILITIES IN PARK AREAS.

(a) *Priority of Use:*

- (1) Persons desiring to use a Park facility or area for the specific purpose for which the facility or area is designated shall have priority of use over Persons using the facility or area for non-designated purposes.
- (2) Persons who possess a Permit or who have previously reserved the use of a Park facility or area with the Department shall have priority of use over Persons who do not have a Permit or who have not previously reserved use of such Park facility or area.

(b) *Athletic Fields, Playgrounds & Recreational Facilities/Complexes:*

- (1) The playing of games such as, but not limited to, football, basketball, baseball, softball, soccer, rugby, cricket, lacrosse, tennis, badminton and volleyball are limited to the areas, fields, courts or facilities that are specifically designated for such games or for such types of games by the Department.

- (2) Designated athletic fields, courts, recreational facilities or complexes may be reserved by obtaining the appropriate Permit from the Department.
- (3) Field, court, playground and recreational facilities/complex lights will be turned on and off at the discretion of Park Officials.
- (4) Fields, courts, playgrounds, recreational facilities and/or complexes may be closed at the discretion of Park Officials for maintenance or in the event of inclement weather or if use of such area/facility may present a danger to the public's health, safety and/or welfare.
- (5) All Persons must abide by all rules and regulations established by the Department governing the use and operation of such fields, courts, playgrounds, recreational facilities and complexes.

(c) *Bicycles & Other Self-Propelled Vehicles:*

- (1) The operation of bicycles, tricycles and other self-propelled vehicles are limited to roads, trails and other areas designated for such type of vehicles unless otherwise authorized by the Director or his/her designee. This prohibition shall not apply to personal assistive mobility devices and law enforcement personnel or Park Officials who use such transportation in the normal course of their duties.
- (2) No Person shall ride a bicycle, tricycle or other self-propelled vehicle on any grassy area, path, or walkway designated solely for pedestrian use. This prohibition shall not apply to Personal assistive mobility devices and law enforcement personnel or Park Officials who use such transportation in the normal course of their duties.
- (3) No Person shall operate a bicycle, tricycle or any other self-propelled vehicle at a speed in excess of fifteen (15) miles per hour while in the Parks or on Park Property.
- (4) All Persons operating bicycles or any other self-propelled vehicle shall comply with all applicable laws and regulations governing the use and operation of such vehicles.
- (5) All Persons operating bicycles, tricycles or other self-propelled vehicles must wear helmets and/or other safety gear in accordance with Florida Statutes. This provision does not apply to personal assistive mobility devices unless otherwise provided for in the Florida Statutes.
- (6) When not in use, bicycles must be placed in designated bicycle racks where available.
- (7) No Person shall leave a bicycle, tricycle or other self-propelled vehicles in any place where other Persons may trip over or be injured by it.

(d) *Bicycle Paths & Multi-Use Paths/Trails:*

- (1) No Person shall operate a motorized vehicle, go-cart or skateboard on any bicycle path/trail or multi-use path/trail unless the path/trail is specifically designated for such use. This prohibition shall not apply to Personal assistive mobility devices and law enforcement personnel or Park Officials who use such transportation in the normal course of their duties.
- (2) No Person shall hold any competitive event on any bicycle trail or multi-use path/trail.
- (3) Bicycle paths/trails and multi-use paths/trails may be closed at the discretion of Park Officials in the event of inclement weather or if use of such paths/trails may present a danger to the public's health, safety or welfare.

(e) *Skating, Skateboards, In-Line Skating & Roller-Blading:* Skating, skateboarding, in-line skating, roller-blading and freestyle bicycling is limited to areas specifically designated for such activities by the Department and all participants must comply with all rules and regulations established by the Department and all applicable laws governing these activities, including, but not limited to, laws related to the wearing of safety equipment.

(f) *Motorized Vehicles:*

- (1) The term "Motorized Vehicle(s)" as used in this Section, shall have, but is not limited to, the following meaning: any all-terrain vehicle, motorized scooter, motorized bike, motorized skateboard, go-cart, golf cart, electrical cart or any other motorized vehicle that is not licensed for use on public highways.
- (2) No Person shall operate or drive a Motorized Vehicle within the Parks or on Park Property. This prohibition shall not apply to Personal assistive mobility devices and law enforcement personnel or Park Officials who use such vehicles in the normal course of their duties.

(g) *Remote-Controlled Vehicles/Vessels:*

- (1) All Persons using or operating Remote-Controlled Vehicles/Vessels in the Parks or on Park Property must have a Permit from the Department for the use and operation of such vehicles or vessels.
- (2) All Persons using or operating Remote-Controlled Vehicles/Vessels in the Parks or on Park Property must use or operate such vehicle or vessel in the area or facility specifically designated for such use by the Department and/or the Director or his/her designee.

- (3) All Remote-Controlled Vehicles/Vessels being used or operated in the Parks or on Park Property must comply with all laws and County regulations governing their use and operation, including, but not limited to, such vehicle/vessel being equipped with the correct muffler and/or other sound deadening devices.

(h) *Boating:* In addition to the provisions set forth in Chapter 327 of the Florida Statutes (2008), the following regulations shall apply to recreational bodies of water within the Parks:

- (1) No Person shall bring in to, launch or operate any boat or Vessel on any Park Property, watercourses, bays, lagoons, lakes, canals, rivers, ponds, sloughs, or any other body of water located within the Parks except at such places as are or may be specifically designated by the Department for such use or purpose.
- (2) Any Person operating boats or Vessels shall comply with any and all boating rules and regulations established by the Department and all other federal, state and local laws related to boating and the use of such boats or Vessels.
- (3) Boating is prohibited in all Park waters and areas designated for swimming.
- (4) All docks and ramps located within the Parks must be kept clear of all equipment and gear.
- (5) Sanitary facilities on boats/Vessels which discharge overboard must not be used while the boats/Vessels are in Park waters.

(i) *Fishing:*

- (1) No Person shall fish in Park waters, either fresh or salt, by use of hook and line, seine, net, trap, spear, gig, or other device except at such places and in such areas as have been specifically designated by the Department for such use or purpose.
- (2) No Person shall buy or sell fish within Parks or Park Property.
- (3) All Persons fishing within the Parks or on Park Property must comply with all rules or regulations established by the Department.
- (4) All applicable state and local laws, including, but not limited to, laws and regulations pertaining to fishing licensing, shall be enforced within Park Property.
- (5) In certain Parks, a Permit will be required for after hours fishing.

(j) *Water-Skiing:*

- (1) Water-skiing is Permitted in areas designated for such purpose by the Department.
- (2) All Persons engaged in water-skiing activities must take all appropriate and necessary safety precautions to ensure the safety of

participants and patrons using the area and shall not water ski in such a manner as to endanger bystanders, swimmers, other skiers or occupants of other Vessels.

- (3) Swimming and wading is prohibited in all Park waters and areas designated for boating.

(k) *Swimming & Bathing:*

- (1) No Person, regardless of age, sex or manner of dress, shall swim or wade in Park waters, areas or pools except in waters or areas specifically designated for swimming by the Department.
- (2) Swimming and wading is prohibited in all Park waters and areas designated for boating.
- (3) All Persons engaged in swimming activities shall comply with the rules and regulations established by the Department for designated swimming areas, including, but not limited to, hours of use and safety regulations governing such use.
- (4) All Persons engaged in swimming activities must wear a bathing suit or appropriate clothing so as to prevent any indecent exposure of such Persons.
- (5) No Person shall dress or undress on any Park Property except in bathing houses, or other structures as may be provided and maintained by the Department for that purpose. No Person shall dress or undress in any Vehicle, toilet, rest room, beach, or other Park area, except as provided herein.
- (6) No Person shall enter or be in the water at any bathing or swimming area wearing, carrying, pushing, or towing any inflated inner tube, raft, rubber boat, or other similar floatation device, except in areas where the use of such devices is permitted.
- (7) No Person shall possess, carry or transport any glassware, glass bottles, or any other potentially dangerous or sharp objects into any areas designated for swimming, bathing or wading by the Department.
- (8) No Person or Domestic Animal shall wash or be washed with soap or other cleansers in any Park waters designated for swimming, bathing or wading by the Department.
- (9) No Person shall erect or cause to be erected any tent, shelter or structure on or in any beach or water area within the Parks in such a manner that requires guy wire, rope, extension, brace or support connected or fastened from any such tent, shelter or structure to any other structure, stake, rock or other object.

(l) *Picnic Areas & Cooking:*

- (1) Certain designated picnic shelters/areas will require a Permit for use.

- (2) No Person shall picnic or cook in any Park area not specifically designated for and regulated by the Department for such activities.
- (3) Picnic areas, including individual picnic tables and associated benches, grills and/or fireplaces are available on a "first come first served" basis with the exception of certain designated areas which require a Permit for use.
- (4) If a Person or group has reserved a picnic area by obtaining a Permit from the Department, then such Person or group must have the Permit in their possession at the time the picnic area is being used by such Person or group in order to verify the reservation with a Park Official.
- (5) Park Officials shall regulate activities in picnic areas to prevent congestion and to secure the maximum use of Park facilities for all patrons. If the facilities become so crowded that there are multiple Persons/groups waiting to use the facilities, then Persons/groups holding picnics in such areas shall not occupy such facilities to the exclusion of others for an unreasonable time. The determination of what constitutes an unreasonable time shall be at the sole discretion of the Park Official on duty.
- (6) Domestic Animals and other animals are not allowed to be on top of picnic tables.
- (7) No Person shall bring into the Parks any grill or any other cooking device for use in the Parks or on Park Property.
- (8) No Person shall build, light or cause to be lighted, any fire upon the ground or other object in any Park area except in a Department-installed grill, stove, fireplace or other similar container. Any Person who builds, lights or causes to be lighted, any fire as provided above, shall extinguish the fire before leaving the immediate area.
- (9) No Person shall use a grill, stove, fireplace or other similar device in such a manner as to burn, char, mar, blemish or otherwise damage any bench, table or other object of Park Property.

(m) *Kitchen Use:* Any and all kitchens located in the Parks and/or in Park facilities shall only be used for warming and/or arranging food that is already prepared. Any use of the kitchens that involve cooking food or any other use other than warming and arranging already prepared food must have a Permit from the Department.

(n) *Camping:*

- (1) Certain designated Park areas will require a Permit for use.
- (2) No Person shall camp within any Parks or on Park Property except in areas designated by the Department for such purpose.
- (3) The Department may establish rules and regulations for designated camping areas within Park Property and all Persons using such camping areas must comply with such rules and regulations.

- (4) All Persons or groups camping on Park Property must be under adequate supervision, and children under the age of eighteen (18) must be supervised by an adult.
 - (5) Overnight camp is permitted in certain designated areas within certain Parks. The only type of overnight camping permitted in the Parks and on Park Property are as follows:
 - (aa) camping in permanent cabins constructed by the Department;
 - (bb) camping in privately owned trailer units; and
 - (cc) camping in tents erected under Department Permit.
 - (6) No Person shall bring into the Parks and/or use for overnight occupancy any house trailer, camp trailer, camp wagon, or any other form of movable structure or Vehicle, except in areas designated for that purpose by the Department.
 - (7) All Persons camping in the Parks or on Park Property must properly dispose of litter and debris in accordance with this Ordinance, keep the camping area clean and leave the camping area in the same condition it was in prior to such Person's use.
- (o) *Golfing:* No golf activities are permitted on any Park Property unless they are activities or events scheduled through the Department.
- (p) *Horses & Horseback Riding:*
- (1) No Person shall engage in horseback riding within any Parks or Park Property except in areas designated for such activities by clearly marked bridle paths, trails, and other necessary features.
 - (2) All horses must be thoroughly broken, properly restrained and prevented from grazing and straying unattended.
 - (3) All horses shall be thoroughly controlled and ridden with due care and due diligence.
 - (4) All riders age sixteen (16) and under are required to wear a helmet pursuant to Hillsborough County Ordinance No. 07-17.
 - (5) All riders must carry proof of their horse's negative Coggins test.
 - (6) The Department may take such action and implement such policies as may be necessary and proper for the control, suppression, eradication and prevention of the spread of contagious, infectious and communicable diseases pursuant to Section 585.145 of the Florida Statutes (2008).
 - (7) All Persons owning and/or riding a horse located on Park Property must comply with all rules and regulations established by the Department and all applicable federal, state and local laws governing the ownership, possession and use of such horses.

(q) *Paintball:* Paintball activities are prohibited in all Parks and on all Park Property.

(r) *Geocaching:* Geocaching is permitted within the Parks. However, such activities must not (1) disturb other Park patrons, (2) interfere with other patrons' use and enjoyment of the Park, (3) damage Park Property and/or habitat, and (4) disturb the Park's wildlife.

(s) *Treasure Hunting:* Treasure Hunting is prohibited in all Parks and on all Park Property.

(t) *Aircrafts:* No Person operating, directing, or responsible for any aircraft, seaplane, helicopter, glider, balloon, dirigible, parachute or other aerial apparatus shall take off from or land within the Parks or Park Property, except in emergency law enforcement situations, medical/EMS emergency situations or when prior written permission has been obtained from the Director or his/her designee.

(u) *Hunting & Firearms:*

- (1) No Person, except Law Enforcement Officers, shall carry, possess, or use firearms of any type within the Parks or on Park Property, including, but not limited to, any instrument that fires a potentially dangerous projectile, whether solid, gas or liquid, or any other form of weapon or trapping device which is or may be on or in any Park Property except in areas designated for such use or for events approved by the Department.
- (2) Bows and arrows may be used at designated areas provided that such use is in compliance with rules and regulations established by the Department and all applicable federal, state and local laws.
- (3) All Persons using any archery range facilities located in the Parks shall abide by all rules and regulations established by the Department and all applicable federal, state and local laws governing such range activities and the use and ownership of such weapons. The Department's rules and regulations governing range activity will be available at the applicable ranges.
- (4) No Person shall hunt, trap or pursue any animal or wildlife by any means or method except with prior written approval of the Director or his/her designee and in areas designated for such activities. Any such activities shall be in compliance with rules and regulations established by the Department and all applicable federal, state and local laws.

(v) *Fireworks & Explosives:*

- (1) No Person shall bring into, or have in his possession, or set off or otherwise cause to explode or discharge or burn, in any Park area any firecrackers, torpedoes, rockets, toy firearms, cannons, or other

fireworks or explosives of or containing flammable material or any substance, compound, mixture, or article which in conjunction with any other substance or compound, may explode, discharge or burn, unless he/she first obtains a Permit from the Department.

- (2) All Persons who receive a Permit to use and/discharge fireworks or explosives must comply with all rules and regulations established by the Department and all applicable federal, state and local laws governing the ownership, possession and/or use of such fireworks or explosives.
- (3) Parents and/or guardians shall be held responsible and accountable for the actions of minors in regards to the prohibitions set forth in this Section as provided by law.

(w) Filming & Photography

- (1) A Permit must be obtained from the Department for the making of still or moving pictures that involve the use of special settings, structures, lighting or apparatus, or the performance of a cast of Persons, either amateur or professional or the posing of professional models; such Permit shall be conditioned on such activities permitting normal use of the Parks and Park facilities by other patrons.
- (2) The provisions of this Section shall not restrict the use of cameras by amateur photographers or professionals not using set, scenery, casts or models.
- (3) Bona fide newspaper, press association, newsreel and/or television news department Personnel, identified by press cards, or passes, and assigned by their respective editors to make photographs for use of such communications media, will be regarded as Persons performing a task involving the freedom of the press as set forth in the Constitution of the United States and, accordingly, will not be restricted by this Section.

SECTION 9. DOMESTIC ANIMALS.

- (a) Except in specified areas, Domestic Animals are permitted within the Parks.
- (b) "Dangerous dogs" as defined in Chapter 767 of the Florida Statutes (2008) are prohibited from Parks and Park Property.
- (c) No Person shall bring or be allowed to bring into any Park or Park Property any non-Domesticated Animal including, but not limited to, cattle, mules, swine, sheep, goats, fowl, or reptiles, other than as set forth in this Ordinance, and except when in conjunction with projects sponsored by County departments or upon obtaining a Permit from the Department.

(d) All Domestic Animals must, unless otherwise posted, be restrained at all times at a distance of not greater than six (6) feet in length from their owner/handler and must be under the immediate and continuous physical control of such animal's owner/handler by means of a leash, cord, chain, cage, fence or other appropriate restraining device that is of sufficient strength to restrain/contain the animal.

(e) Unrestrained Domestic Animals may be allowed in designated areas of the Parks at specified times in conjunction with projects, activities or events sponsored by the County's departments or upon receiving a Permit or prior written permission from the Department.

(f) All Domestic Animals must wear up-to-date tags indicating that they have had rabies vaccinations and/or any other vaccinations appropriate for such animal in accordance with the Florida Statutes and local laws. If it is not possible or appropriate for the animal to wear tags evidencing proof of vaccinations, then the animal's owner/handler must have in his/her possession the paperwork showing that the animal has had the appropriate vaccinations while the animal is on Park Property.

(g) All Persons using the County's dog parks must comply with all rules and regulations established by the Department relating to the use and operation of such dog parks.

(h) All Persons with Domestic Animals must immediately pick-up and properly dispose of any feces or solid waste left by such Person's Domestic Animal while on Park Property.

(i) No Person shall abandon any animal, dead or alive, within any Park or on Park Property.

(j) The Department and/or Park Officials shall have the right to remove or require the removal of, and shall have the right to ban from the Parks if deemed appropriate, any Domestic Animal that unreasonably annoys Park patrons, is aggressive toward and/or endangers the life or health of Park patrons or any other animals in the Parks, unreasonably interferes with or injures the Park's natural habitat and/or wildlife, or that otherwise substantially interferes with Park patrons' use and enjoyment of the Parks.

SECTION 10. EXOTIC ANIMALS.

The introduction by any Person of any Exotic Animal and the placement, abandonment or leaving of any Exotic Animal in a Park, on Park Property or in public areas immediately adjacent to the Parks is strictly prohibited. This prohibition shall not apply to any Exotic Animal species that are authorized and introduced into the Parks by the County and/or the Department.

SECTION 11. GAMBLING & RAFFLES.

No Person shall conduct raffles, bingo games, card games for money, or hold drawings for prizes, or participate in any other forms of gambling on any Park Property. However, upon approval by the Director, charitable organizations may conduct raffles provided that participants are members and/or guests of the charitable organization and the raffle is otherwise conducted in compliance with all applicable federal, state and local laws.

SECTION 12. PUBLIC DEMONSTRATIONS, GATHERINGS, PERFORMANCES

(a) Bands, processions, military companies, or any companies or groups with flags, banners, or transparencies are allowed in the Parks subject to reasonable regulations of time, place and manner of such activities as established by the Director or his/her designee.

(b) No entertainment or exhibition shall be given in any Parks or Park Property except entertainment given under the direction and authority of the Department.

SECTION 13. ALCOHOLIC BEVERAGES.

No Person shall sell, consume or possess Alcoholic Beverages while in the Parks or on Park Property. This prohibition does not apply to the sale, consumption, and possession of Alcoholic Beverages at special events held at the University Area Community Complex and the Carrollwood Cultural Center as long as those entities are properly licensed and authorized to sell and/or serve Alcoholic Beverages in accordance with all applicable federal, state and local laws governing the sale and serving of alcohol.

SECTION 14. FIRES AND CAMPFIRES.

(a) No Person shall build or attempt to build any fire or fires against or adjacent to any Park building, structure, facility, tree or plant, or any Park Property whatsoever, or against or on any property of others or in any area of any Park, except in areas specifically designated for fire building and in accordance with such regulations as are or may be specifically set forth by the Director or his/her designee.

(b) No Person shall drop, throw, or otherwise deposit by any means, lighted matches, burning tobacco products, burning objects, smoking objects or flammable material within any Park area, Park Property or any highway, road or street abutting or contiguous thereto.

SECTION 15. DISPOSAL OF REFUSE AND TRASH.

No Person shall litter or participate in illegal dumping in the Parks or on Park Property as specifically set forth in Section 7(p) and 7(q) of this Ordinance. Any refuse/trash generated while using the Parks or the Park facilities must be placed in the proper receptacles where available. If receptacles are not available, all refuse/trash must be

carried away from the Park by the Person(s) responsible for its presence, and properly disposed of elsewhere. Park refuse and trash receptacles shall only be used by those Persons using the Parks for recreational and Park activity.

SECTION 16. MERCHANDISING, VENDING & PEDDLING.

(a) No Person shall expose or offer for sale, rent or trade, any article or thing within the Parks or on Park Property. This prohibition shall not apply to the Department and concessionaires or vendors that receive applicable Permits from the Department.

(b) No Person shall station or place any stand, cart or vehicle, for transportation or sale, or display any article or merchandise for sale within the Parks or on Park Property. This prohibition shall not apply to the Department and concessionaires or vendors that receive applicable Permits from the Department.

(c) All concessionaires/vendors that receive a Permit to vend on Park Property must comply with all rules and regulations established by the Department and all federal, state and local laws governing the use and operation of such concessions.

SECTION 17. ADVERTISING, PUBLICITY & SIGNS.

(a) No Person shall advertise or obtain publicity through any means whatsoever within or upon any Park Property other than as specifically set forth in this Section.

(b) The following forms of advertising and publicity are permitted within the Parks:

- (1) printed materials or advertisements permanently affixed on Vehicles or on clothing;
- (2) distribution of printed handbills or leaflets, the purpose of which is not solely commercial;
- (3) announcements of County or Department sponsored or sanctioned events;
- (4) authorized signs located entirely within concession structures; and
- (5) signs and distribution of printed materials in conjunction with a permitted use of reserved Park/facility area.

(c) All publicity and signs must adhere to the Department's Communication Plan.

(d) No Person shall distribute, display, or affix any printed materials or advertisements to or within any Park Property.

(e) No Person shall park or station on any Park Property any Vehicle displaying a sign or notice with the intent of offering said Vehicle for sale or exchange.

SECTION 18. ESTABLISHMENT OF REGULATIONS.

The Director or his/her designee may establish and post regulations governing the use and operation of areas of the Park and Park facilities which are not inconsistent with the regulations contained in this Ordinance and which promote public health and safety and the preservation of the Parks and Park Property.

SECTION 19. ENFORCEMENT OF REGULATIONS AND PERMITS.

(a) *Authority of Law Enforcement Officers and Park Officials:*

- (1) All rules, regulations and Permits contained in this Ordinance shall be enforceable by Law Enforcement Officers and Park Officials.
- (2) Law Enforcement Officers and Park Officials shall have the authority to request and/or order any Person that violates the rules and regulations set forth in this Ordinance and/or set forth by the Department to leave the Park and/or Park Property and take any other action(s) necessary and appropriate to enforce this Ordinance.
- (3) It shall be the duty and responsibility of all Law Enforcement Officers within their jurisdiction to enforce all applicable laws, including federal laws, state laws, county ordinances and county traffic regulations within the Parks, Park Property and other areas maintained and operated by the Department.

(b) *Unlawful Acts Under Ordinance:*

- (1) It shall be unlawful for any Person to do any act forbidden by this Ordinance or fail to perform any act required by this Ordinance or for any Person to fail to comply with any lawful and reasonable order given by Law Enforcement Officers and/or Park Officials.
- (2) It shall be unlawful for any Person to do any act forbidden or fail to perform any act required by any Permit issued by the Department in furtherance of the mandates and provisions set forth in this Ordinance.
- (3) Any of the following actions/activities shall constitute a separate violation of this Ordinance and shall constitute a trespass, and shall be prosecuted as such in accordance with the Florida Statutes:
 - (aa) A Person's unauthorized presence in any Park or Park Property during the hours the Park or Park Property is closed to the public; or
 - (bb) A Person's failure to leave the Park or Park Property after being requested/instructed to do so by a Law Enforcement Officer and/or Park Official.

The provisions of this Sub-Section 19(b) shall not preclude any Person involved in the unlawful acts set forth under this Sub-Section from being charged with or prosecuted for any other offenses that may arise from such Person's actions or activities in the Parks or on Park Property as deemed appropriate by the Hillsborough County State Attorney's Office or any other state, federal or local agency.

(c) *Penalties:* In addition to any other penalties set forth in this Section, failure to comply with the provisions set forth in this Ordinance shall constitute a violation of a County ordinance and, upon conviction, shall be punished pursuant to Section 125.69 of the Florida Statutes (2008). Violations of this Ordinance that are continuous with respect to time may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent equitable relief.

SECTION 20. LIBERAL CONSTRUCTION.

This Ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety, and welfare of the citizens and residents of Hillsborough County, Florida.

SECTION 21. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or provision of this Ordinance is held invalid or unconstitutional by any Court of competent jurisdiction, then such invalidity or unconstitutionality shall not be so construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect upon the filing of this Ordinance with the Florida Department of State, State of Florida.

STATE OF FLORIDA)

COUNTY OF HILLSBOROUGH)

I, PAT FRANK, Clerk of the Circuit Court and Ex Officio Clerk of the Board of County Commissioners of Hillsborough County, Florida, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance to be adopted by the Board at its meeting of August 6, 2008, as the same appears of record in Minute Book number 387, of the Public Records of Hillsborough County, Florida.

WITNESS my hand and official seal this 7th day of August, 2008.

PAT FRANK, CLERK OF CIRCUIT COURT

BY: Melvin O. Dyer
Deputy Clerk

Approved by County Attorney

By: Rosemary E. Perry
Approved as to form and legal
sufficiency

