

CITY OF KEYSTONE HEIGHTS, FLORIDA

ORDINANCE 2021-589

BEFORE THE CITY COUNCIL

AN ORDINANCE OF THE CITY OF KEYSTONE HEIGHTS, FLORIDA AMENDING CHAPTER 9 GENERAL REGULATIONS, ARTICLE III – CITY RECREATIONAL PARKS; TO ALLOW THE CONSUMPTION OF ALCOHOL IN THE PAVILION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Keystone Heights seeks to protect the health, safety and well-being of both the citizens of the City as well as visitors; and

WHEREAS, the City Council believes the consumption of alcohol can be accomplished safely at the City Pavilion and without detriment to the health, safety and well-being of the citizens and visitors; and

WHEREAS, pursuant to the authority in Chapter 162, Florida Statutes, the City Council of Keystone Heights desires to amend Chapter 9, General Regulations, Article III City Recreational Parks, of the Ordinances for the City of Keystone Heights; and

WHEREAS, the City Council of Keystone Heights, Florida hereby finds and declares the adoption of this ordinance is appropriate and in the public interest of the citizens of this community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KEYSTONE HEIGHTS, FLORIDA:

Section 1. Recitals

The foregoing recitals are adopted and hereby incorporated as if fully set forth herein.

Section 2. Code Amended

Chapter 9, General Regulations, Article III City Recreational Parks of the Ordinances for the City of Keystone Heights is amended to read as follows:

ARTICLE III. - CITY RECREATIONAL PARKS

Sec. 9-71. - Title and application.

This article shall be known as the "Keystone Heights Recreational Facilities Regulations Ordinance." This article shall apply to all recreational lands owned or operated by the city.

Sec. 9-72. - Purpose.

(a) The purpose of this article is to set rules and regulations for the Keystone Heights Recreational Parks; to prohibit the consumption of alcoholic beverages at the recreational parks unless requested in the pavilion rental agreement and approved by the City; to set operating hours for the recreational parks.

(b) The city council finds that in order to properly police the recreational parks, it is necessary to provide appropriate rules and regulations for the use and operation of the recreational parks. The city council finds that it is also important to set specific times for use in order to permit the proper policing of the recreational parks. The city council finds that this article is required in order to foster the health, safety and welfare of the citizens of Keystone Heights.

Sec. 9-73. - Definitions.

The following definitions shall apply to this article:

Alcoholic beverage means a beverage containing alcohol as defined in Florida Statutes.

Recreational parks means any real property owned or operated by the city used for recreational purposes.

All other words and phrases shall be governed by the common definition or in Florida Statutes, or Keystone Heights Code of Ordinances.

Sec. 9-74. - Keystone Heights recreational parks hours.

The hours of operation of recreational parks shall be determined by written order of the city manager.

Sec. 9-75. - Public use of recreational parks.

It shall be unlawful, within the confines of the recreational parks, for any person or persons to:

- (1) Bring or use alcoholic beverages unless requested in the pavilion rental agreement and approved by the City;
- (2) Climb on benches or tables;
- (3) Bring an unleashed or aggressive animal;
- (4) ~~With the exception of the skateboard park,~~ skateboard, skate, rollerblade or engage in similar recreational activity;
- (5) Bring a bicycle or other such vehicle into the recreational parks;
- (6) Bring or use glass containers unless requested in the pavilion rental agreement and approved by the City;
- (7) Fish within swimming area or kayak launch;
- (8) Play a radio, tape recorder, or other instrument or device which produces sound, that can be heard more than ten feet from the instrument:
- ~~(9) Volleyball must be checked out and returned to the pavilion;~~
- ~~(10) Horseshoes may only be used in designated area and must be checked out and returned to the pavilion;~~
- (11) When using the picnic areas, patrons must clean up after use and place all refuse in the garbage cans provided;
- (12) ~~Life guards or~~ eCity employees may expel anyone from the recreational parks if the patrons behavior is deemed to be disruptive, dangerous, or from anyone who does not comply with these rules;
- (13) There will be one adult in the water or in very close proximity to every four children in the water;
- (14) There must be one adult supervising every eight children under the age of 12;
- (15) Access to recreational parks and any waters contiguous to any recreational parks shall be set forth from time to time by the city council; and
- ~~(16) Lifeguards shall be on duty as determined by the council and any use of the recreational parks shall be at the public discretion, according to the adopted rules of the council.~~

Sec. 9-76. - Fees.

Fees for the day-to-day use and special use of the Keystone Heights Recreational Parks shall be designated by the city council.

Sec. 9-77. - Alcoholic beverages.

(a) The consumption of alcoholic beverages within any recreational parks is hereby prohibited unless requested in the pavilion rental agreement and approved by the City and is strictly limited to the boundaries of the pavilion and punishable as set forth in Section 13-9.

(b) The possession of any open or unsealed container(s) of alcoholic beverages or mixtures containing alcoholic beverages is

hereby prohibited unless requested in the pavilion rental agreement and approved by the City and is strictly limited to the boundaries of the pavilion and punishable as set forth in Section 13-9.

(c) If alcohol is approved by the City for use in the pavilion, the applicant is responsible for ensuring alcohol is not consumed in any of the surrounding areas, including but not limited to the parking lot, park, picnic area, beach or lake.

Sec. 9-78. - Violations.

A violation of this article shall be considered a category 1 civil infraction and shall be punishable pursuant to Section 1-20. In addition to the penalties proscribed in Section 1-19, a trespass warning for 90 days in length shall be issued to an individual upon his or her commission of a first violation of this article. A trespass warning for 12 months in length shall be issued to an individual who commits a second violation of any kind within 18 months of a first violation.

Secs. 9-79—9-80. - Reserved.

Section 3. Direction to the Codifier

The codifier is instructed to place the provisions of this Ordinance within the Code of Ordinances of the City of Keystone Heights and make any modifications necessary to place the provisions in a form that complies with the Code.

Section 4. Conflict

If any portion of this ordinance is in conflict with any portion of any other ordinance, then the provisions of this ordinance shall govern.

Section 5. Severability

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date

This Ordinance shall take effect immediately upon adoption.

DULY APPROVED on First Reading this 1st day of March 2021, by the City Council of the City of Keystone Heights, Florida.

DULY APPROVED AND ADOPTED on Second Reading this 3 day of ~~April~~ ^{May} 2021, by the City Council of the City of Keystone Heights, Florida.

**CITY COUNCIL OF KEYSTONE HEIGHTS,
FLORIDA**

By: _____
Karen Lake, Mayor

ATTEST:

Lynn Rutkowski, City Manager

FORM APPROVED:

Rich Komando, City Attorney

*Failed due to motion
Lacking a second*