

Code change

ORDINANCE NO. 2014 - 816

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, MAKING COMPREHENSIVE REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 16 (PARKS AND RECREATION); AMENDING ARTICLE I, GENERAL; AMENDING ARTICLE II, PERMITS AND USE REGULATIONS; AMENDING ARTICLE III, FACILITIES AND ACTIVITIES; AMENDING ARTICLE VIII, DEFINITIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 16 of the City of Tampa Code of Ordinances establishes rules and regulations with respect to the operation and use of the City of Tampa's parks and recreation facilities; and

WHEREAS, by and through Ordinance No. 2009-125, the City Council of the City of Tampa last adopted comprehensive revisions to Chapter 16 on August 20, 2009; and

WHEREAS, the City Council desires to update Chapter 16 to conform to intervening changes in state law and to adapt to changes in the use and operation of parks and recreation facilities; and

WHEREAS, the City Council has determined that the following amendments promote and protect the general health, safety, and welfare of the residents of the City; and

WHEREAS, duly noticed public hearings as required by law were held by the City Council at which all residents and interested persons were given an opportunity to be heard.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA:

Section 1. That Section 16-2. Areas Designated for Specific Activities. is hereby amended to read as follows:

"Section 16-2. Areas Designated for Specific Activities.

The Department Director shall have the authority to designate areas in city parks for specific activities and to prohibit other activities within designated areas. The Department Director is authorized to post designated areas when, in his/her discretionary opinion, such posting is appropriate."

Section 2. That Section 16-4. Authority of Law Enforcement and Authorized Park Officials/Personnel. is hereby amended to read as follows:

"Section 16-4. Authority of Law Enforcement Officers and Authorized Park Officials/Personnel.

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1 It shall be the duty and responsibility of law enforcement officers and authorized park
2 officials/personnel to implement and enforce the provisions of this Chapter and all Department
3 rules and regulations as follows:
4

5 (A) The Department Director or designee shall appoint authorized park officials/personnel
6 who shall be responsible for the enforcement of the provisions of this Chapter and all
7 Department rules and regulations and who shall have the power to eject and expel any
8 person from any city park for any violation thereof and report such violation to law
9 enforcement officers and request that a trespass warning be given to the violator.
10

11 (B) No person shall interfere with, hinder, or oppose any law enforcement officer or
12 authorized park official/personnel in the discharge of his/her duties or with the
13 enforcement of the provisions of this Chapter and all Department rules and regulations.”
14

15 **Section 3.** That **Section 16-6. Trespass.** is hereby amended to read as follows:
16

17 **“Section 16-6. Trespass.**
18

19 In addition to the penalties set forth in Chapter 1, Section 1-6 of the City of Tampa Code, law
20 enforcement officers are hereby granted the authority to issue trespass warnings in any city
21 park for the purpose of enforcing the provisions of this Chapter or any Department rule or
22 regulation. Law enforcement officers shall issue a trespass warning of one hundred and eighty
23 (180) days, which is inclusive of all city parks, or arrest the violator for trespassing pursuant to
24 Florida Statutes, Chapter 810, or any amended or successor statute. In the event of an arrest of
25 a minor, authorized law enforcement shall notify the parent or legal guardian and shall maintain
26 a record of all such violations.”
27

28 **Section 4.** That **Section 16-8. Loitering.** is hereby amended to read as follows:
29

30 **“Section 16-8. Loitering, Lewd and Lascivious Behavior Prohibited.**
31

32 (A) No person shall loiter in or around any department managed land rest room, dressing
33 room, or bath house at a time or in a manner not usual for law abiding individuals under
34 circumstances that warrant justifiable and reasonable alarm or immediate concern for
35 the safety of persons or property in the vicinity.
36

37 (B) No person shall engage in any lewd and lascivious behavior, as defined in Florida
38 Statutes, Chapters 798 and 800, or any amended or successor statute, on any
39 department managed land.”
40

41 **Section 5.** That **Section 16-11. Background Checks Required.** is hereby amended to read
42 as follows:
43

44 **“Section 16-11. Background Checks Required.**
45

46 Any individual who works or volunteers in a program, event or other organized activity held in a
47 department managed land that involves minors, the elderly and/or persons with disabilities, shall
48 be required to pass a background check.”
49

50 **Section 6.** That **Article II. Permits and Use Regulations.** is hereby amended to read as
follows: **“Article II. Facility Rentals and Use Regulations.”**

1
2 **Section 7.** That **Section 16-21. Facility Use Permits.** is hereby amended to read as
3 follows:
4

5 **“Section 16-21. Facility Rentals.**
6

7 (A) Facilities may be reserved in advance by completing and submitting an application and
8 paying the required fees as established by resolution of the City Council. A cleanup
9 deposit may be required.
10

11 (B) A facility rental application is required when one or more of the following conditions apply:
12

13 (1) The applicant desires exclusive use of an indoor recreation facility.
14

15 (2) The proposed activity will be open to the public and/or an organized gathering
16 involving athletics.
17

18 (3) The proposed activity will be in a designated outdoors space with an anticipated
19 attendance of more than twenty-five (25) but less than three hundred one (301)
20 persons at any one given time. If the anticipated attendance is three hundred one
21 (301) persons or more at any one given time, then a Special Event permit must be
22 obtained under Chapter 28, City of Tampa Code.
23

24 (4) The proposed activity includes commercial activity.
25

26 (5) The proposed activity involves the take-off, launch, land, ascent, or descent of any
27 aircraft, glider, balloon, model airplane, or parachute in or upon any department
28 managed land without contractual authority.
29

30 (6) The applicant desires to post signs in conjunction with an activity or gathering in a
31 recreational facility.
32

33 (7) The applicant desires to carry, fire, or discharge any weapon, fireworks, or explosive
34 of any kind.
35

36 (8) The proposed activity includes the sale, distribution, consumption, and/or possession
37 of alcoholic beverages as set forth in Section 16-46, Alcoholic Beverages and will be
38 held in an indoor recreational facility. If such activity will be held outdoors in a
39 department-managed land, then a special event permit must be obtained under
40 Chapter 28, City of Tampa Code.
41

42 (9) The proposed activity includes the use of any entertainment equipment and/or
43 amplified sound.
44

45 (10) The applicant desires to provide for the sale, distribution, or sampling of materials,
46 merchandise, food, and/or beverages to the general public.
47

48 (11) The applicant desires to conduct a performance of any kind within or on any
49 department managed land.
50

(C) Approval or Denial of Rental Application; Revocation of Rental Authorization.

1
2 (1) *Review*: The Department shall have ten (10) business days to review a complete
3 application and administratively approve or deny each such application.
4

5 (2) *Approval*:

6
7 (a) *Basis*: The Department shall approve a facility rental application when all of the
8 following conditions are met:
9

10 (i) The desired recreation facility has not been reserved for another use at
11 the time requested and will not conflict with planned programs organized
12 and conducted by the City or other governmental agencies previously
13 scheduled for the same time and place;
14

15 (ii) The applicant has provided current government-issued photo
16 identification, is at least eighteen (18) years of age, or twenty one (21)
17 years of age if alcohol is requested, and has fully and accurately
18 completed an application for a facility rental.
19

20 (iii) The applicant has paid all required fees and deposits as established by
21 resolution of the City Council for the proposed activity and has no
22 outstanding balances with the City.
23

24 (iv) The applicant is in full compliance with all applicable laws, ordinances,
25 rules and regulations, permitting, and licensing requirements and has not
26 demonstrated any previous violations from prior activities conducted on
27 department managed land.
28

29 (v) The applicant has obtained and provided proof of insurance from a
30 company authorized to do business in Florida, with an A.M. Best rating of
31 B+ VII or higher (or otherwise be acceptable to the City). All liability
32 policies shall name City of Tampa as an additional insured as to the
33 operations of the applicant, shall provide the Severability of Interest
34 Provision, and the waiver of subrogation endorsement in favor of the city.
35 The applicant shall provide proof of a Commercial General Liability
36 insurance policy on the most current Insurance Services Office (ISO)
37 form, (or its equivalent), with an amount of no less than \$1,000,000 per
38 occurrence and a \$2,000,000 general aggregate covering bodily injury
39 and property damage. The insurance coverage and limits required must
40 be evidenced by a properly executed Accord 25 Certificate of Insurance
41 form (or its equivalent). Thirty (30) day written notice must be given to the
42 city of any cancellation or reduction in the policy coverage. The
43 applicant's insurance coverage required herein is to be primary to any
44 insurance carried by the city or any self-insurance program thereof. The
45 City Risk Manager reserves the right to adjust insurance requirements
46 based on the scope of service of the rental.
47

48 (vi) Unless otherwise waived by the Director or excused by Department rules
49 and regulations, the applicant has, at the applicant's sole cost and
50 expense, arranged for security services as follows:

1 i. The applicant shall provide to the Department Director or
2 designee for the Department Director or designee's approval a
3 security plan for security for the recreation facility if such proposed
4 activity involves commercial activity and/or is open to the public
5 and may reasonably be expected to draw twenty-five (25) persons
6 or more to the recreation facility. For the purposes of this section,
7 "security" shall consist of the number of off-duty (extra-duty) sworn
8 law enforcement officers based upon projected attendees and
9 participants. Each applicant shall first satisfy this requirement by
10 arranging for security with Tampa Police Department off-duty
11 (extra-duty) personnel. If Tampa Police Department Personnel are
12 not available, then the applicant may satisfy this requirement by
13 arranging for security with off-duty (extra-duty) personnel from
14 such law enforcement agencies having concurrent jurisdiction or
15 having a mutual aid agreement with the City.

16
17 ii. When the proposed activity is to be conducted for the sole
18 purpose of constitutionally protected speech, expression, or
19 assembly and does not involve any commercial activity, the
20 applicant shall not be required to pay the expenses associated
21 with security unless the same event has experienced two or more
22 arrests at a single event during the two calendar years
23 immediately preceding the application in the city or in any other
24 jurisdiction.

25
26 (vii) The proposed activity is not prohibited by City of Tampa Code or by the
27 Department rules and regulations and will occur in an area designated for
28 such activity.

29
30 (viii) The applicant has agreed to indemnify and hold the City harmless from
31 liability and has agreed to assume all risks in the use of the recreation
32 facility and shall be solely responsible for damages and all accidents and
33 injury to any person or property.

34
35 (ix) If the proposed activity includes commercial activity and/or is open to the
36 public, the activity meets the criteria for a recreational activity and has
37 been authorized in writing by the Department Director or designee.

38
39 (x) If the proposed activity includes closing or blocking a designated trail or
40 pathway, the applicant has secured any temporary closure permits
41 required by Chapter 25 (Transportation) of the City of Tampa Code.

42 (b) *Notice:* Upon approval of a facility rental application, the applicant shall be
43 notified by U.S. first class mail, postage prepaid, by electronic mail, or by facsimile to
44 the name, address, and/or phone number set forth on the application.

45
46 (3) *Denial:*

47
48 (a) *Basis:* The Department may deny a facility rental application for the following
49 reasons:
50

- 1 (i) Failure to meet one or more of the conditions set forth in part (C) of this
2 section;
3
4 (ii) Material misrepresentation made by the applicant on the application or on
5 any prior applications for recreational facility rentals;
6
7 (iii) Prior use of a department managed land or recreational facility involving
8 injury, violence, abuse, and/or arrests within the previous two (2) calendar
9 years; or
10
11 (iv) The applicant's intended use presents an unreasonable danger to the
12 health, safety and welfare of the applicant, City staff, or the general
13 public.
14

15 (b) *Notice:* Upon denial of an application, the applicant shall be notified of such
16 denial and the reasons therefor by U.S. first class mail, postage prepaid, by
17 electronic mail, or by facsimile to the name, address, and/or phone number set
18 forth on the application.
19

20 (c) *Appeal:* The applicant may appeal the denial of an application by filing written
21 notice with the respective Department Manager within five (5) business days
22 after notification of such denial. The Department Manager shall consider the
23 appeal and provide a written decision within five (5) business days. If the
24 Departmental decision is upheld by the Department Manager, the applicant may
25 appeal the decision by filing a written notice with the Director within five (5)
26 business days after notification of such denial. The Director shall consider the
27 appeal and provide a written decision within five (5) business days. The
28 Director's decision shall be final.
29

30 (4) *Revocation:* Park officials/personnel shall have the authority to revoke a facility rental
31 authorization upon finding a violation of any of the provisions of this Chapter, any
32 Department rule or regulation, any condition or requirement of an approved application,
33 or upon finding that a material misrepresentation was made on the application.
34

35 (D) *Material Misrepresentation.* It is unlawful for any person to make a material
36 misrepresentation with the intent to obtain a facility rental. Any applicant who has made
37 a material misrepresentation will be subject to denial of the facility rental application or
38 revocation of authorization for the rental and may be prohibited from obtaining facility
39 rentals for a period of not less than two (2) years. Each misrepresentation shall
40 constitute a separate offense.
41

42 **Section 8.** That **Section 16-22. Special Events.** is hereby amended to read as follows:
43

44 **"Section 16-22. Special Events.**

45
46 No person shall engage in, participate in, or aid any special event in or on department managed
47 land unless a Special Event permit as set forth in Chapter 28 (Special Events) has been
48 obtained from the City."
49

50 **Section 9.** That **Section 16-23. Miscellaneous Permits.** is hereby amended to read as
follows:

1
2 **“Section 16-23. Miscellaneous Permits.**

3
4 (A) Merchandising, Vending, Peddling and Banner Permits: The Department shall control all
5 merchandising, vending, and peddling rights and activities, and all banner installations
6 not otherwise regulated by Chapters 22 (Streets and Sidewalks) and 27 (Zoning and
7 Land Development) of the City of Tampa Code, for recreation facilities and parks. Any
8 individual, group, or organization wishing to operate as such or engage in such activity
9 must have a permit approved by the Department Director or his or her designee. The
10 Department Director shall provide for administrative procedures.

11
12 (B) Concessionaire Agreements: The Department Director shall control all concessionaire
13 rights for recreation facilities and parks. Any individual, group, or organization wishing to
14 operate as such or engage in such activity must have a written agreement approved by
15 the Department Director or his or her designee. The Department Director shall provide
16 for administrative procedures.

17
18 **Section 10.** That **Section 16-31. Operating Hours.** is hereby amended to read as follows:

19
20 **“Section 16-31. Operating hours.**

21
22 (A) Operating hours for all department managed lands are between sunrise and sunset,
23 unless otherwise specified. It is unlawful for any person, other than law enforcement
24 officers or authorized personnel, to go upon or remain in any department managed land at
25 any time the same is closed to the public. The provisions of this section shall not apply to
26 law enforcement officers or authorized personnel while in the discharge of their duties nor
27 to persons having a written permit issued by the Department or an approved facility rental
28 allowing them to be or remain in any part of any department managed land beyond normal
29 operating hours. Failure of any person to leave a department managed land after direction
30 and request has been made by a law enforcement officer or authorized park
31 official/personnel shall constitute a trespass.

32
33 (B) The Director or designee may establish exceptions to the operating hours as set forth
34 above for certain uses and when it is otherwise in the interest of the public health, safety,
35 or welfare. Any such exceptions shall be posted at the department managed land entrance
36 and obeyed accordingly.

37
38 (C) Any department managed land, or any part thereof, may be closed to the public by the
39 Department at any time and for any interval of time, whether temporarily or at regular and
40 stated intervals (daily or otherwise), either entirely or for certain uses, as the Department
41 or designee shall find reasonably necessary.

42
43 (D) No person shall park or permit to remain parked any vehicle on any driveway, parkway,
44 parking area, or other department managed land between sunset and sunrise on the
45 following day or as otherwise posted, except for areas designated as twenty-four (24) hour
46 launching areas.”

47
48 **Section 11.** That **Section 16-33. Picnic Areas.** is hereby amended to read as follows:

49
50 **“Section 16-33. Picnic Areas.**

1 (A) Park personnel shall regulate activities in picnic areas to prevent congestion and to secure
2 the maximum use of department managed lands for all. Use of Department-provided grills
3 or other cooking areas together with adjacent tables and benches shall be on a first come,
4 first served basis unless a facility rental application has previously been approved for the
5 picnic area. An approved facility rental application is required when any picnic gathering
6 exceeds twenty-four (24) persons in attendance.
7

8 (B) No person shall picnic or cook in any department managed land not specifically
9 designated for and regulated by the Department for such activities.
10

11 (C) No person shall build, light, or cause to be lit any fire upon the ground or other object in
12 any department managed land except in an approved grill, stove, fireplace, or other similar
13 container. Any person who builds, lights, or causes to be lit any fire shall extinguish the fire
14 before leaving the immediate area.
15

16 (D) No person shall use a grill, stove, fireplace, or other similar device in such a manner as to
17 burn, char, mar, blemish, or otherwise damage any bench, table, or other object of
18 Department property.”
19

20 **Section 12.** That **Section 16-34. Horseback Riding.** is hereby amended to read as follows:
21

22 **“Section 16-34. Horseback Riding.**

23
24 No person shall engage in horseback riding or any activities involving horse-drawn buggies or
25 wagons within any department managed land except in areas designated by the Department for
26 such activities by clearly marked bridle paths, trails, and other necessary features. The Director
27 or designee shall have the authority to grant exceptions to accommodate special event
28 activities. In areas designated for horseback riding, horses must be thoroughly broken, properly
29 restrained, and prevented from grazing and straying unattended. All riders must carry proof of
30 the horse's negative Coggins test.”
31

32 **Section 13.** That **Section 16-35. Golfing.** is hereby amended to read as follows:
33

34 **“Section 16-35. Golfing.**

35
36 Except in City-owned golf courses, it shall be unlawful for any person to play or practice golf, or
37 any part of the game, in any department managed land, playground, right-of-way, easement, or
38 recreational area, without prior written approval from the Department.”
39

40 **Section 14.** That **Section 16-36. Aircraft and Parachuting.** is hereby amended to read as
41 follows:
42

43 **“Sec. 16-36. Aircraft and Parachuting.**

44
45 No person shall take off, launch, land, ascend, or descend any aircraft, glider, balloon, model
46 airplane, or parachute in or upon any department managed land without contractual authority or
47 an approved facility rental application from the Department.”
48

49 **Section 15.** That **Section 16-37. Organized Athletic Activities.** is hereby amended to read
50 as follows:

1 **“Section 16-37. Organized Athletic Activities.**

2
3 No person shall play or participate in any organized athletic activity or game, including but not
4 limited to football, baseball, or basketball, in any department managed land except in areas
5 designated for such use. All organized athletic activities must have an approved facility rental
6 application from the Department or a written agreement with the City.”

7
8 **Section 16.** That **Section 16-38. Animals.** is hereby amended to read as follows:

9
10 **“Section 16-38. Animals.**

11
12 (A) Except in specifically prohibited areas, domesticated pets are permitted within outdoor
13 department managed lands. All such animals must be restrained by the handler and the
14 handler must be in direct control at all times at a distance not greater than six (6) feet in
15 length from the handler, unless in a designated off-leash area. No such animals, except
16 service animals, shall be allowed on City boardwalks or narrow passageways. All animals
17 shall wear up-to-date tags indicating that the animal’s rabies vaccinations are current.

18
19 (B) As used herein, the term "direct control" means immediate, continuous physical control of
20 an animal at all times such as by means of a fence, leash, cord or chain, or other means,
21 of such strength to restrain the animal.

22
23 (C) No person shall bring into any department managed land any wild or livestock animals,
24 including but not limited to, cattle, mules, swine, sheep, goats, fowl, or reptiles, without
25 prior written approval from the Department, except when in conjunction with projects
26 sponsored by City departments. Any animal brought into any department managed land
27 shall have a current health certificate and exhibit no signs of disease.

28
29 (D) Dangerous dogs, as defined in Florida Statutes, Chapter 767, or any amended or
30 successor statute, are prohibited from all department managed lands.

31
32 (E) In conjunction with projects sponsored by City departments or upon prior written approval
33 from the Department, certain animals may be allowed in designated areas of the
34 department managed lands at specified times without restraint.

35
36 (F) No person owning or having custody or control of any animal shall fail to immediately
37 remove the animal’s excrement from any department managed land. This shall not apply
38 to service animals or to animals used by police officers for law enforcement or tracking
39 purposes.

40
41 (G) The Director or designee shall post appropriate signs in the parks as to the hours of
42 operation and rules of the parks, including the acknowledgment that use of the parks by a
43 dog owner and/or person in custody of any dog shall constitute an unconditional
44 agreement to hold the City harmless for any damage or injury to any member of the public
45 and/or the dog or other dogs.

46
47 (H) Service animals shall be permitted to accompany individuals with disabilities within all
48 department managed lands in accordance with Title II of the Americans with Disabilities
49 Act.”

1 **Section 17.** That **Section 16-39. Sleeping, Camping or Lodging.** is hereby amended to read
2 as follows:

3
4 **“Section 16-39. Camping.**

5
6 No person shall camp, as defined in Section 14-50 of the City of Tampa Code, or park a vehicle
7 overnight within any department managed land except in areas designated by the Department
8 for such purpose. The Department may establish rules and regulations for designated camping
9 areas.

10
11 Unless permitted by the Department or designee in writing, no house trailer, camp trailer, camp
12 wagon, recreational vehicle, or any other form of movable structure or special vehicle intended
13 for overnight occupancy may be brought into any department managed land.”

14
15 **Section 18.** That **Section 16-41. Fishing.** is hereby amended to read as follows:

16
17 **“Section 16-41. Fishing and Crabbing.**

18
19 The following regulations shall apply to fishing within department managed lands:

20
21 (A) No person shall fish or crab in waters adjacent to department managed land property,
22 either freshwater or saltwater, including boat ramps and docks, by use of hook and line,
23 seine, net, trap, spear, harpoon, gig, or other device except at such places and in such
24 areas designated by the Department for such use or purpose.

25
26 (B) It is unlawful for any person fishing or crabbing in a designated area to leave in the area
27 any fish, crabs, bait, or other refuse or trash.

28
29 (C) No person shall throw a cast net in waters adjacent to department managed land in the
30 vicinity of any Department-posted signs specifically prohibiting such conduct.”

31
32 **Section 19.** That **Section 16-42. Public Demonstrations, Gatherings, Performances, and**
33 **Speeches.** is hereby amended to read as follows:

34
35 **“Section 16-42. Public Demonstrations, Gatherings, Performances, and Speeches.**

36
37 (A) Any person, entity, group, or organization engaging in speech, expression, or assembly,
38 which is protected by the First Amendment of the United States Constitution or by Article I,
39 Section 4 of the State of Florida Constitution, may do so in any department managed land,
40 subject to reasonable time, place, and manner regulations as established by the
41 Department.

42
43 (B) Notwithstanding the provisions of subsection (A) above, no person, entity, group, or
44 organization shall conduct or participate in any meetings, assemblies, entertainments,
45 tournaments, religious or social gatherings, demonstrations, parades, performances,
46 processions, or speeches, which are open to the public, without regard to the subject
47 matter whether religious, social, political, or otherwise, in any department managed land
48 without an approved facility rental application, unless fewer than twenty-five (25) persons
49 may reasonably be expected to be in attendance at any one time.”

50
Section 20. That **Section 16-43. Prohibited Activities.** is hereby amended to read as follows:

1
2 **Section 16-43. Prohibited Activities.**
3

4 The following activities are prohibited in and on any department managed lands:
5

6 (A) In addition to the provisions set forth in Chapter 27 (Zoning and Land Development) no
7 person shall erect or cause to be erected any tent, shelter, entertainment equipment, or
8 structure on or in any beach, water area, or any other department managed land in such a
9 manner that requires guy-wire, rope, extension, brace, or support connected or fastened
10 from any such tent, shelter, entertainment equipment, or structure to any other structure,
11 tree, stake, rock, or other object without an approved facility rental application from the
12 Department.
13

14 (B) No person shall conduct games of chance such as: raffles, bingo games, or card games
15 for money; or hold drawings for prizes; or participate in any other forms of gambling in any
16 department managed land.
17

18 (C) No person shall conduct any activity or utilize any department managed land in a manner
19 which will result in commercial activity, as defined in this Chapter, or provide for the
20 distribution or sampling of any materials, merchandise, food, and/or beverages to the
21 general public, without prior written approval from the Department.
22

23 (D) No person shall engage in any activity in any department managed land that is or may be
24 dangerous to the health, safety, or welfare of themselves or others.
25

26 (E) No person shall engage in any activity in any department managed land that interferes
27 with the use and enjoyment of the recreation facility by others.
28

29 (F) It is unlawful for any person to use, distribute, or possess with intent to use or distribute
30 any alcoholic beverages in a department managed land, except in areas that have
31 received an alcoholic beverage special use permit.
32

33 (G) No person shall locate any utility upon any department managed land without receiving an
34 approved utility easement from the City.
35

36 (H) Film production and/or commercial photography on department managed land property
37 are prohibited without prior written approval from the Department. Once approval is
38 granted, a film permit must be obtained from the Tampa Bay Film Commission and
39 provided, along with proof of insurance, to the Department.
40

41 (I) No person shall engage or possess a metal detector upon any department managed land.
42

43 (J) No person shall enter a department managed land or remain there in a state of intoxication
44 or under the influence of illegal drugs.”
45

46 **Section 21.** That **Section 16-44. Commercial Activity.** is hereby amended to read as follows:
47

48 **“Section 16-44. Commercial Activity.**
49

50 No person or entity shall charge admission for any activity in a department managed land nor
sell, keep, or offer for sale any tangible or intangible object, merchandise, or thing nor solicit for

1 any trade, occupation, business, or profession for any consideration within any department
2 managed land without written approval from the Director or designee. All business entities
3 conducting commercial activities under this section must be actively registered nonprofit
4 organizations.”

5
6 **Section 22.** That **Section 16-45. Advertising, Publicity, and Signs.** is hereby amended to
7 read as follows:

8
9 **“Section 16-45. Advertising, Publicity, and Signs.**

10
11 (A) No person shall post or affix to any tree, shrub, plant, fence, building, structure,
12 monument, wall, table, apparatus, bridge, post, bench, corral, gate, or any other physical
13 object any sign, poster, or other printed or written matter in any department managed land
14 without an approved facility rental application or prior written authorization from the
15 Director or designee. All signs must conform to the requirements of Chapter 27, Article VI,
16 Division 6. (Signs) of the City of Tampa Code.

17
18 (B) No person shall advertise or obtain publicity through any means whatsoever within or upon
19 any department managed land without an approved facility rental application or prior
20 written approval from the Director or designee.

21
22 (C) No person shall park or station on any department managed land any vehicle displaying a
23 sign or notice with the intent of offering said vehicle for sale or exchange.

24
25 (D) No person shall distribute, display, or affix any printed materials or advertisements to or
26 within any department managed land. Exceptions to this provision are printed materials or
27 advertisements permanently affixed on vehicles or on clothing; distribution of printed
28 handbills or leaflets, the purpose of which is not solely commercial; announcements of
29 Department sponsored or sanctioned events; authorized signs located entirely within
30 concession structures; and signs and distribution of printed materials in conjunction with a
31 permitted use of a reserved recreation facility.”

32
33 **Section 23.** That **Section 16-46. Alcoholic Beverages.** is hereby amended to read as follows:

34
35 **“Section 16-46. Alcoholic Beverages.**

36
37 Consistent with the provisions pertaining to alcoholic beverages set forth in Chapters 14 and 27
38 of the City of Tampa Code, no person shall sell, distribute, possess, or consume alcoholic
39 beverages in any department managed land unless such property is zoned and permitted for
40 the sale of alcoholic beverages.”

41
42 **Section 24.** That **Section 16-47. Smoking and Tobacco Products.** is hereby amended to
43 read as follows:

44
45 **“Section 16-47. Smoking and Tobacco Products.**

46
47 Smoking and the use of tobacco products on department managed land shall be regulated in
48 accordance with Florida Statutes Chapter 386, or any amended or successor statute.”

49
50 **Section 25.** That **Section 16-48. Noise and Disturbance of the Peace.** is hereby amended to
read as follows:

1
2 **“Section 16-48. Noise and Disturbance of the Peace.**

3
4 In addition to the provisions set forth in Chapter 19 (Property Maintenance and Structural
5 Standards) and Chapter 14 (Offenses) the following regulations shall apply:
6

7 (A) No person shall use any loudspeaker or other electrical amplifying equipment nor shall any
8 person play upon any electrically amplified musical instrument in any department
9 managed land unless such activity is conducted as an incidental activity to a public
10 meeting or assembly for which a facility rental is approved. Compliance with all
11 Department rules and regulations and facility use requirements or conditions must be met.
12

13 (B) No person operating a vehicle or vessel within a department managed land shall, at any
14 time, fail to use a muffler and or other sound-deadening device.
15

16 (C) No person within a department managed land shall disturb the peace of others by violent,
17 tumultuous, or obstreperous conduct, or by loud noises, or by vulgar or obscene language
18 or conduct, or assault, strike, or fight another, or in any way breach the peace.”
19

20 **Section 26.** That **Section 16-49. Firearms and Toy Firearms.** is hereby amended to read as
21 follows:
22

23 **“Section 16-49. Firearms and Weapons.**

24
25 (A) The use, possession, transportation and storage of firearms and ammunition on
26 department managed land is regulated exclusively by Florida Statutes Chapter 790, or
27 any amended or successor statute, which statute shall be enforced by local law
28 enforcement officers to the extent permitted by law.
29

30 (B) The use or possession of certain weapons, as defined in this Chapter, on department
31 managed lands may be permitted for specific activities requiring the use of particular
32 weapons as equipment to engage in a permitted recreational activity or special event by
33 written authorization from law enforcement officials or the Director or designee.
34

35 (C) The use or possession of stun guns, trapping devices, or any weapon which will, is
36 designed to, or may readily be converted to expel a projectile, gas, or liquid propelled by the
37 action of compressed air, the expansion of gas or spring, or other mechanical means, on or in
38 any department managed land is prohibited except with written authorization by official law
39 enforcement officers or the Director or designee.”
40

41 **Section 27.** That **Section 16-50. Fireworks and Explosives.** is hereby amended to read as
42 follows:
43

44 **“Section 16-50. Fireworks and Explosives.**

45
46 No person shall bring in to, possess, set off, or otherwise cause to explode, discharge, or burn
47 in any department managed land any firecrackers, torpedoes, rockets, cannons, or other
48 fireworks or explosives of or containing flammable material or any substance, compound,
49 mixture, or article which, in conjunction with any other substance or compound, may explode,
50 discharge, or burn, without prior written approval from the Director or designee.”

1 **Section 28.** That **Section 16-51. Protection and Preservation of Plant and Wildlife.** is
2 hereby amended to read as follows:

3
4 **“Section 16-51. Protection and Preservation of Plant and Wildlife.**

5
6 (A) Within any department managed land, no person shall cut, carve, or injure the bark or
7 break off limbs or branches, or pick the flowers or seeds of any tree, plant, or shrub, nor
8 shall any person dig in or otherwise disturb grass areas or install any vegetation or in any
9 other way injure or impair the natural beauty or usefulness of any area, nor shall any
10 person pile debris or material of any kind on or about any tree or plant, or attach any rope,
11 wire, or other contrivance thereto, whether temporary or permanent in character or use,
12 without prior written approval of the Director or designee. No person shall tie or hitch any
13 animal to any tree or plant within any department managed land.

14
15 (B) No person shall remove any beach sand, whether submerged or not, any soil, rock,
16 stones, shells, plants, wood, or other materials, or make any excavation by tool,
17 equipment, blasting, or other means or agency in any department managed land without
18 prior written approval from the Director or designee.

19
20 (C) No person shall molest, harm, frighten, kill, net, trap, snare, hunt, chase, feed, remove,
21 pursue, or shoot, throw, or propel any missiles by any means at any creature, or the nest
22 or eggs of any creature, be it mammal, amphibian, or reptile roaming within a department
23 managed land without prior written approval from the Director or designee.

24
25 (D) No person shall place, dump, abandon, or leave any mammal, reptile, amphibian, fish, or
26 bird, either wild or domestic, on the grounds of any department managed land.”

27
28 **Section 29.** That **Section 16-53. Regulation of Vehicles Within Parks.** is hereby amended to
29 read as follows:

30
31 **“Section 16-53. Regulation of Vehicles Within Parks.**

32
33 All persons in or on department managed lands shall follow all applicable vehicle laws. All
34 applicable vehicle laws are enforceable within department managed lands. The following
35 additional regulations shall also apply:

36
37 (A) The speed limit in department managed lands is fifteen (15) m.p.h. unless otherwise
38 posted.

39
40 (B) Law enforcement officers and authorized park officials/personnel designated by the
41 Department shall direct traffic whenever needed within department managed lands in
42 accordance with rules and regulations as may be set forth by the Department.

43
44 (C) All persons shall carefully observe and obey all traffic signs indicating speed, direction,
45 caution, stopping, or parking and all other signs posted for proper control and the
46 safeguarding of life and property as determined by the Director or designee.

47
48 (D) Any person driving, operating, controlling, or propelling any vehicle shall operate such
49 vehicle only on designated paved or improved department managed land roads or
50 driveways, except when otherwise directed by any law enforcement officer or authorized
park personnel.

- 1
2 (E) No driver or operator of any vehicle shall obstruct traffic or park or stop on any road or
3 driveway except at places designated for parking or stopping or in the event of any
4 emergency beyond the control of the driver or operator. At designated scenic vistas, a
5 vehicle may be stopped for no more than fifteen (15) minutes in order for the occupants to
6 view scenic features. No person may leave any vehicle standing or parked after dark
7 without lights clearly visible for at least two hundred (200) feet upon said vehicle, except in
8 legally established parking areas.
9
- 10 (F) No person shall operate any vehicle, truck, commercial vehicle, or bus of any type on any
11 restricted department managed land road without prior written approval from the Director
12 or designee. Trucks and buses used solely to transport persons to a department managed
13 land may use non-restricted park roads and parking areas for ingress and egress in the
14 same manner as provided for conventional passenger vehicles.
15
- 16 (G) Any person who rides, drives, or propels any bicycle, tricycle, motorcycle, scooter, or
17 similar vehicle, whether motor-propelled or self-propelled, shall do so only on roads
18 designated for vehicular traffic or other areas designated for that specific class of vehicle.
19 The Director or designee may grant an exception to accommodate loading and unloading
20 activities.
21
- 22 (H) Any person who parks a vehicle shall do so only in areas or facilities designated for that
23 particular type of vehicle, unless otherwise directed by a law enforcement officer or
24 authorized park official/personnel to park in another area. Any vehicle parked in an
25 unauthorized area may be towed away at the owner's expense.
26
- 27 (I) Designated multi-purpose trails shall be used only by pedestrians, bicycles, skaters, and
28 other non-motorized vehicles propelled by human power. Electric bicycles, segways, and
29 wheelchairs that do not exceed fifteen (15) m.p.h. are permitted on designated multi-
30 purpose trails unless otherwise posted.
31
- 32 (J) No person shall tow another vehicle or wheeled device on park roads except when the
33 towed vehicle is a legally valid recreational vehicle, horse trailer, or trailer for small boats,
34 or when necessary to remove a disabled vehicle.
35
- 36 (K) No person shall operate any vehicles for hire in any department managed land, except
37 those which are authorized in writing by the Director or designee and legally authorized to
38 carry passengers for hire or for fare.
39
- 40 (L) No person shall change any parts, perform maintenance, wash, repair, or grease any
41 vehicle in or on any department managed land without prior written approval from the
42 Director or designee.
43
- 44 (M) No driver of a vehicle using gasoline or any other explosive mixture as a source of power
45 shall at any time fail to use a muffler or other sound-deadening device.
46
- 47 (N) No person shall enter or exit from any department managed land in any vehicle except at
48 entrances or exits established for such purpose by the Department.”
49

50 **Section 30.** That **Section 16-106. Definitions.** is hereby amended to read as follows:

1 **Section 16-106. Definitions.**

2
3 The following words, terms, and phrases, when used in this Chapter, shall have the meanings
4 ascribed to them in this section, except where the context clearly indicates a different meaning:
5

6 *Aircraft* shall mean a machine or device, including airplanes, helicopters, or dirigibles, capable
7 of atmospheric flight.
8

9 *Alcoholic beverages* shall mean and include any beer, wine, fortified wine, liquor, or alcoholic
10 beverage as defined in Chapter 27 (Zoning and Land Development) and Florida Statutes,
11 Section 561.01(4).
12

13 *Amplified Sound* shall mean any sound projected or transmitted by artificial means including, but
14 not limited to, loud speakers, amplifiers, beat box, compact disc or digital media device, turn
15 tables, 8-track/cassette player, powered megaphones, or similar devices.
16

17 *Anchoring or Mooring* shall mean using a heavy object attached to a vessel or watercraft by a
18 cable, chain, or line which is placed overboard to keep the vessel or watercraft from drifting,
19 either by its weight or by gripping the bottom. A vessel or watercraft attached or tied to a
20 mooring buoy shall be construed as anchored.
21

22 *Animal* shall mean an animal organism other than a human being such as mammal, reptile,
23 amphibian, bird, or invertebrate.
24

25 *Applicant* shall mean an individual, entity, or organization who applies for a permit.
26

27 *City* means the City of Tampa, Florida, a municipal corporation existing under the laws of the
28 State of Florida.
29

30 *City park* means any property owned by the City and designated as a "dedicated City Park"
31 pursuant to section 16-91 of this code or other City property owned, operated, leased,
32 maintained, or otherwise administered by the City pursuant to Chapter 16 of this code or by
33 executive order as a City public park or space.
34

35 *Commercial activity* shall mean the sale, service, or solicitation of any item for a fee or donation,
36 tangible or intangible, including but not limited to food or beverages; the charging of admission;
37 the charging of fees for any service, entertainment, or amusement including water taxis.
38

39 *Concessionaire* shall mean a person who provides food, beverages, products, or services on a
40 contractual basis in or on any department managed land.
41

42 *Dedicated parks* shall mean all properties owned by the City and adopted by ordinance of the
43 City Council as dedicated park property to be held by the City for the benefit and use of its
44 citizens for parks and recreational purposes.
45

46 *Department* shall mean the Parks and Recreation Department of the City.
47

48 *Director* shall mean the person appointed by the Mayor and City Council to coordinate all City
49 park programs, department managed lands and facilities.
50

1 *Department managed lands* shall mean City parks, dedicated parks, recreation facilities,
2 environmentally endangered lands, sanctuaries and conservation areas owned, operated, or
3 managed by the Department.
4

5 *Designated area* shall mean that geographical area which has been established by the
6 Department for a specific activity or activities within a department managed land.
7

8 *Designee* shall mean the person appointed by the Director to perform duties as assigned.
9

10 *Entertainment equipment* shall mean, but is not limited to moon walks, rock climbing walls,
11 dunking booths, ball crawls, kiddy trains, and inflatables.
12

13 *Excrement* shall mean waste matter discharged from the body of any living thing.
14

15 *Firearm* shall mean any weapon (including a starter gun) which will, is designed to, or may
16 readily be converted to expel a projectile by the action of an explosive; the frame or receiver of
17 any such weapon; any firearm muffler or firearm silencer; any destructive device; or any
18 machine gun or air gun. The term "firearm" does not include an antique firearm unless the
19 antique firearm is used in the commission of a crime.
20

21 *Fireworks/Explosives* shall mean and include any combustible or explosive composition or
22 substance or combination of substances or any article prepared for the purpose of producing a
23 visible or audible effect by combustion, explosion, deflagration, or detonation. In an emergency,
24 the discharge of distress signals is permitted.
25

26 *Floating structure* means a floating entity, with or without accommodations built thereon, which
27 is not primarily used as a means of transportation on water but which serves purposes or
28 provides services typically associated with a structure or other improvement to real property.
29 The term "floating structure" includes, but is not limited to, each entity used as a residence,
30 place of business or office with public access, hotel or motel, restaurant or lounge, clubhouse,
31 meeting facility, storage or parking facility, mining platform, dredge, dragline, or similar facility or
32 entity represented as such. Floating structures are expressly excluded from the definition of the
33 term "vessel" provided in this section. Incidental movement upon water or resting partially or
34 entirely on the bottom shall not, in and of itself, preclude an entity from classification as a
35 floating structure.
36

37 *Houseboat* shall mean any vessel which is used primarily as a residence for a minimum of
38 twenty-one (21) days during any thirty (30) day period, in a county of this state, and this
39 residential use of the vessel is to the preclusion of the use of the vessel as a means of
40 transportation.
41

42 *Law enforcement officer* shall mean any certified law enforcement officer of any rank who is a
43 duly sworn officer of the Tampa Police Department, Hillsborough County Sheriff's Office, Florida
44 Highway Patrol, or an officer of any other State of Florida or federal law enforcement agency.
45

46 *Live-aboard vessel* means:

- 47 (a) Any vessel used solely as a residence; or
- 48 (b) Any vessel represented as a place of business, a professional or other commercial
49 enterprise, or a legal residence. A commercial fishing boat is expressly excluded from the term
50 "live-aboard vessel."

1 *Material Misrepresentation* shall mean the falsification of information provided in an application
2 or request to obtain the use of a department managed land.

3
4 *Minor* shall mean any person below the age of eighteen (18).

5
6 *Multi-purpose Trail* shall mean a series of trails that interconnect to form a system that, as a
7 whole, allows for more than one use. The individual trails may be for a single use or a multiple
8 use.

9
10 *Non-profit organization (also not-for-profit organization)* shall mean a corporation actively
11 registered in any state as a non-profit charitable corporation, no part of the net earnings of
12 which inures or may lawfully inure to the benefit of any private shareholder or individual, and
13 which has been held to be tax exempt under the provisions of Section 501(c)(3), (4), (7), (10), or
14 (19) of the Internal Revenue Code of 1954.

15
16 *Operating hours* shall mean that time period during which Department managed lands are open
17 to the general public.

18
19 *Organized Athletics* shall mean any pre-arranged sport and/or athletic related game, contest,
20 practice, clinic, competition, warm up, training, playoff, event, or activity.

21
22 *Organized Competitive Event* means any planned race, walk, derby, tractor pull, or event,
23 whether human powered or otherwise, that involves a contest of skill(s) and/or strength and
24 takes place upon public rights-of-way or department managed land or any part thereof.

25
26 *Park Official/Personnel* shall mean the Director, managers, superintendents, supervisors,
27 security staff, and any and all individuals employed by the Department.

28
29 *Peddler* shall mean any person offering the sale of any tangible or intangible object,
30 merchandise, or thing from place to place.

31
32 *Performance* shall mean the action of any person representing a character in a play; a public
33 presentation, recital, act, play, concert, show, exhibition, or dance.

34
35 *Person* shall mean an individual, group, and/or organization.

36
37 *Protected speech, expression, and assembly* shall mean all speech, expression, and assembly
38 protected by the First Amendment to the United States Constitution and Article I, Section 4 of
39 the State of Florida Constitution, as interpreted by case law; including but not limited to
40 religious, political, and philosophical speech, expression, and assembly, as well as charitable
41 solicitation for any purpose as described in Florida Statutes, Section 496.404 (20), or any
42 amended or successor statute.

43
44 *Recreational activity* shall mean a specified form of leisure pursuit, including, but not limited to,
45 athletics, swimming and aquatics, or arts and theater, which: (a) is not in violation of any local,
46 state, or federal law; (b) is safe and is an appropriate use of a recreational facility; (c) benefits
47 the goodwill of the community; and (d) does not injure or impair the natural beauty or usefulness
48 of department managed lands.

49
50 *Recreation facility* shall mean an area for recreational purposes on any property owned, leased,
operated, or maintained by the City.

1
2 *Right-of-way* shall mean any street, alley or portion of land set apart for public use, vehicular
3 travel and local convenience, except footpaths, which is either owned by, or dedicated to, a
4 governmental agency by deed or plat and/or is intended or designated for public use (e.g.,
5 Riverwalk).

6
7 *Security violation* shall mean any activity, which results in an arrest by a law enforcement
8 officer, resulting in the imposition, by a court of law, of a fine, imprisonment, probation and/or
9 other criminal penalty. This term includes only those arrests that occurred as a result of an act
10 committed on department managed land property.

11
12 *Service animal* shall mean any animal defined as a “service animal” by Department of Justice
13 Regulations at 28 C.F.R. § 35.104 (2013), or any successor or amended regulation.

14
15 *Slip* shall mean any slip, berth, or anchorage.

16
17 *Special Event* means a planned event, whether publicly and/or privately sponsored, including,
18 without limitation, a block party, organized competitive event, procession, road festival, or social
19 gathering on one (1) or more department managed land or public rights-of-way that involves the
20 reservation and use of a public venue, or closure of one (1) or more rights-of-way, for a
21 particular purpose, for a short duration of time and which involves the use of city services, either
22 paid by the event promoter, or through co-sponsorship. The definitions for Special Event and
23 Temporary Special Event in Chapter 27 of this Code are not applicable to this Chapter.

24
25 *Toy Firearm* shall mean any weaponry that substantially duplicates a real firearm.

26
27 *Trail* shall mean a designated route on land or water with public access for recreation or non-
28 motorized transportation purposes such as walking, jogging, hiking, bicycling, mountain biking,
29 canoeing, kayaking, dragon boating, rowing, and backpacking.

30
31 *Trespass* shall mean entering into or onto, or remaining in or on a department managed land
32 beyond operational hours or where entry is prohibited by posting or some other communication.
33 In addition, trespass occurs when a person willfully enters or remains in or on any department
34 managed land after being asked by a park official/personnel or law enforcement officer to leave
35 or depart.

36
37 *Vehicle* shall mean any wheeled conveyance for the transportation of persons or materials
38 whether: (1) powered or drawn by a motor such as an automobile, truck, motorcycle, scooter,
39 mini bike, or recreational vehicle; (2) animal-drawn such as a carriage, wagon, or cart; (3) self-
40 propelled such as a bicycle, tricycle, or skateboard (except a baby carriage/stroller or
41 wheelchair); or (4) any trailer in tow of any size, kind, or description. The term does not include
42 any park and recreation transportation service operated or authorized by the Department.

43
44 *Vendor* shall mean any person who sells by peddling, hawking, or offering for sale by soliciting
45 or displaying any food items, beverages, wares or any other item of merchandise or service,
46 whether tangible or intangible, on the public right-of-way or park property from a non-permanent
47 structure.

48
49 *Vessel* is synonymous with boat and means a motor or artificially propelled vehicle and every
50 other description of watercraft, whether motor-propelled or not, including personal watercraft,
barges, and air boats, other than a seaplane on the water, used or capable of being used as a

1 means of transportation on water irrespective of whether the propulsion equipment is in actual
2 operation.

3
4 *Watercraft* shall mean a vehicle, vessel, or craft designed to move across (or through) water.
5

6 *Water taxi* shall mean every description of watercraft or vessel capable of being used as a
7 means of transportation on water and which is engaged in activity wherein a fee is paid by the
8 user for transportation from one destination to another, and which is capable of operating
9 without requiring the raising of any bridge.
10

11 *Weapon* shall mean any dirk, metallic knuckles, slingshot, billie, chemical weapon or device,
12 spear, harpoon, BB gun, air rifle, air gun, bow and arrow, paintball gun, or other deadly weapon
13 except a firearm or a common pocketknife."
14

15 **Section 31.** That if any part of this Ordinance is declared unconstitutional or invalid by a court
16 of competent jurisdiction, the remaining provisions, at the City's election, shall remain in full
17 force and effect.
18

19 **Section 32.** That all ordinances in conflict herewith are repealed to the extent of any conflict
20 with the terms of this Ordinance.
21

22 **Section 33.** That this Ordinance shall take effect immediately upon becoming a law.
23

24 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA,
25 FLORIDA ON SEP 18 2014.
26

27
28 ATTEST:

29
30
31 
32
33 CITY CLERK/DEPUTY CITY CLERK

34
35
36 
37
38 CHAIRMAN/CHAIRMAN PRO-TEM
39 CITY COUNCIL

40
41 APPROVED BY ME ON SEP 19 2014

42
43 
44
45 BOB BUCKHORN, MAYOR

46
47 PREPARED BY AND APPROVED
48 AS TO LEGAL SUFFICIENCY:

49 e/s Kate Taylor
50 Assistant City Attorney

Ordinance Chapter 16 Parks and Recreation Revision Summary

Current Ordinance	Proposed Revision
Article I: General	<p>Article I: General</p> <ul style="list-style-type: none"> • Section 16-2: Eliminate required list of areas designated for specific activities (no written list exists) • Sections 16-4 & 16-6: General clean-up to eliminate references to facility use permits (now facility rentals) • Section 16-8: language made consistent with state statute • Section 16-11: Background screening requirements revised for consistency with county practice/policy
Article II: Permits and Use Regulations	<p>Article II: Permits, Reservations and Use Regulations</p> <p>Section 16-21:</p> <ul style="list-style-type: none"> • Facility rentals now only require an approved rental application (no “facility use permit”) • Change attendance trigger for outdoor facility rental to 25-300 persons (formerly 50-200) • Add two new facility rental application triggers (merchandise sale and performance) • Security plans may be waived by Director or excused by Department rules and regulations • Two new bases for denial of a rental application (prior use history and danger to health, safety, welfare) • Change appeals process for denial of facility rental application to Manager as first tier, then Director as 2d tier (formerly Director as 1st tier and Administrator as 2d tier) <p>Section 16-22:</p> <ul style="list-style-type: none"> • Special Events permit triggers removed (and moved to Ch. 28 Special Events) <p>Section 16-23:</p> <ul style="list-style-type: none"> • Banner installations now governed by administrative procedures developed by Director and consistent with Chapter 27 sign code
Article III: Facilities and Activities	<p>Article III: Facilities and Activities</p> <ul style="list-style-type: none"> • Sections 16-31, 16-35, 16-36, 16-37, 16-42, 16-45, 16-48, 16-50, 16-51, 16-53: General language revisions consistent with change from facility use permit → facility rental • Section 16-33: Picnic areas req. reservation if more than 24 people in attendance • Section 16-34: Horseback riding – Director may grant exceptions for special events • Section 16-38: Added language requiring animals to have current health certificate; added language explicitly allowing service animals in accordance with the ADA • Section 16-39: Eliminate overnight “sleeping” prohibition and define “camp” in accordance with Section 14-50 • Section 16-41: Add explicit cast netting prohibition • Section 16-43: Add intoxication/influence of illegal drugs and metal detector use as prohibited activities

	<ul style="list-style-type: none"> • Section 16-44: Add clarifying language limiting commercial activity to nonprofit organizations • Section 16-45: Updated reference to sign code (Chapter 20.5 to 27) • Section 16-46: Streamlined with reference to Ch. 14, 27 and 28 • Section 16-47: Language aligned with Florida Statutes (local governments are preempted from regulation of smoking) • Section 16-49: Firearms language aligned with Florida Statutes (local governments are preempted from regulation of firearms and ammunition); added language permitting weapons (other than firearms) with department approval when used for recreational activity
Article IV: City Marinas, Mooring Fields, and Jurisdictional Waters	<p>Article IV: City Marinas, Mooring Fields, and Jurisdictional Waters</p> <ul style="list-style-type: none"> • No change
Article V: Tree Trust Fund	<p>Article V: Tree Trust Fund</p> <ul style="list-style-type: none"> • No change
Article VI: Dedicated Parks	<p>Article VI: Dedicated Parks</p> <ul style="list-style-type: none"> • No change
Article VII: Landscape Area Trust Fund	<p>Article VII: Landscape Area Trust Fund</p> <ul style="list-style-type: none"> • No change
Article VIII: Definitions	<p>Article VIII: Definitions</p> <ul style="list-style-type: none"> • “Entertainment equipment”: pony rides eliminated from definition • “Facility Use Permit” removed • “Firearm” redefined consistent with Florida Statutes • “Non-profit organization”: broadened registry requirement to any state (not just Florida) • “Park Official/Personnel”: updated to reflect current management structure • “Performance” added • “Recreational activity” streamlined with broad categories instead of specific examples • “Service animal” added • “Vendor” definition limited to operators using non-permanent structures • “Weapon” redefined to omit firearms and add specific examples

The Free Press

(Published Weekly)
Tampa, Hillsborough County, Florida

STATE OF FLORIDA,
COUNTY OF HILLSBOROUGH.

Before the undersigned authority personally appeared JOHN N. HARRISON, IV, who on oath says that he is Publisher of THE FREE PRESS, a weekly newspaper published at Tampa, in Hillsborough County, Florida, that the attached copy of advertising being a true copy in the matter of

ORDINANCES APPROVED ON 1ST READING
September 18, 2014 @ 9:30AM

ORD. NO. 2014-86

File No. E2014-8 CH 16

File Nos. E2012-8 CH 27, E2013-8 CH 27, and E2014-8 CH 27

File Nos. E2012-8 CH 27, E2013-8 CH 27, and E2014-8 CH 27

File Nos. E2012-8 CH 27, E2013-8 CH 27, and E2014-8 CH 27

File No. AB2-14-27

File No. AB2-14-28

was published in the said newspaper in the issue of August 30, 2014.

Affiant further says that the said THE FREE PRESS is a newspaper published at Tampa, in said Hillsborough County, and that the said newspaper has heretofore been continuously published in said Hillsborough County, Florida, each week and has been entered as a second-class mail matter at the post office in Tampa, in said Hillsborough County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

This 30th day of August, 2014.

who is personally known to me
SWORN TO and subscribed before me

This 30th day of August, 2014.

Jennifer Ward



JENNIFER WARD
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE201552
Expires 6/3/2016

NOTICE OF PUBLIC HEARING

ON SEPTEMBER 18, 2014 AT 9:30 A.M. IN THE CITY COUNCIL CHAMBERS, CITY HALL, 315 E. KENNEDY BLVD., THIRD FLOOR, TAMPA, FLORIDA, A PUBLIC HEARING WILL BE HELD BY THE TAMPA CITY COUNCIL TO CONSIDER THE FOLLOWING ORDINANCES FOR ENACTMENT:

File No. E2014-8 CH 16

An ordinance of the City of Tampa, Florida, making comprehensive revisions to City of Tampa Code of Ordinances, Chapter 16 (Parks and Recreation); amending Article I, General; amending Article II, Permits and Use Regulations; amending Article III, Facilities and Activities; amending Article VIII, Definitions; providing for severability; providing for repeal of all ordinances in conflict; providing an effective date.

File Nos. E2012-8 CH 27, E2013-8 CH 27, and E2014-8 CH 27

An ordinance of the City of Tampa, Florida, relating to Individual Special Uses, making revisions to City of Tampa Code of Ordinances, Chapter 27 (Zoning and Land Development); amending Section 27-132, Regulations governing individual special uses; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

File Nos. E2012-8 CH 27, E2013-8 CH 27, and E2014-8 CH 27

An ordinance of the City of Tampa, Florida, relating to number of animals within a family and residential building forms within Hampton Terrace Area of Seminole Heights District, making revisions to City of Tampa Code of Ordinances, Chapter 27 (Zoning and Land Development); amending Section 27-43, Definitions; amending Section 27-211.7, Residential building forms; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

File Nos. E2012-8 CH 27, E2013-8 CH 27, and E2014-8 CH 27

An ordinance of the City of Tampa, Florida, relating to Annual Reporting Requirements for Certain Alcoholic Beverage Sales Permits, making revisions to City of Tampa Code of Ordinances, Chapter 27 (Zoning and Land Development); amending Section 27-319, Records; Annual reports; Violation of "R" zoning, "R" special use permit, or "alcoholic beverage sales special restaurant" or "alcoholic beverage sales restaurant" special use permit requirements; repealing all ordinances or parts of ordinances in conflict therewith; providing for severability; providing an effective date.

File No. AB2-14-27

An ordinance approving a Special Use Permit (S-2) for alcoholic beverage sales - large venue (consumption on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 2223 North West Shore Boulevard, Unit 1002, Tampa, Florida, as more particularly described in Section 2; that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

File No. AB2-14-28

An ordinance repealing Ordinance No. 2010-27; approving a Special Use Permit (S-2) for alcoholic beverage sales - large venue (consumption on premises only) and making lawful the sale of beverages regardless of alcoholic content - beer, wine and liquor - on that certain lot, plot or tract of land located at 450 and 490 Channelside Drive, Tampa, Florida, as more particularly described in Section 3; that all ordinances or parts of ordinances in conflict are repealed; providing an effective date.

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE CITY COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE, MAY NEED TO HIRE A COURT REPORTER TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND SECTION 286.26, FLORIDA STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS MEETING SHOULD CONTACT THE CITY CLERK'S OFFICE AT LEAST FORTY-EIGHT (48) HOURS PRIOR TO THE DATE OF THE MEETING.

INTERESTED PARTIES MAY APPEAR AND BE HEARD AT SAID HEARING.

SHIRLEY FOX-KNOWLES, CMCL
CITY CLERK

8-30