

LAKE WALES

OFFICIAL CODE OF ORDINANCES

CHAPTER 18. STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

LAKE WALES
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PUBLIC PLACES

Table of Contents

Article I. In General

§ 18-1. Loitering for drug-related purposes prohibited.

Article II. Streets

§ 18-26. Obstructing.

§ 18-27. Supervision.

§ 18-28. Construction specifications.

§ 18-29. Assessments for paving.

§ 18-30. Renaming of city streets.

Article III. Sidewalks

§ 18-46. Construction specifications.

§ 18-47 – 18-54. Reserved

Article IV. Newsrack Code

§ 18-61. Definitions. [Repealed]

§ 18-62. Standards. [Repealed]

§ 18-63. Removal. [Repealed]

Division 1. GENERALLY

§ 18-55. Short title.

§ 18-56. Intent and purpose.

§ 18-57. Definitions.

§ 18-58. Violations.

§ 18-59. Abandonment.

§ 18-60. Interference with public safety, utilities, governmental use or traffic prohibited.

§ 18-61. Standards.

§ 18-62. Location.

Division 2. PERMIT

§ 18-63. Required.

§ 18-64. Application.

§ 18-65. Conditions for issuance; fees; duration.

§ 18-66. Suspension or revocation.

Division 3. PLACEMENT OF NEWSRACKS

§ 18-67. Standards.

§ 18-68. Removal

Article V. Parks, Recreation And Other Community Facilities

Division 1. Generally

§ 18-71. Purpose and objectives.

§ 18-72. Applicability.

§ 18-73. Opportunities for use of public parks and facilities.

§ 18-74. Definitions.

§ 18-75. Parental responsibility.

§ 18-76. Enforcement.

§ 18-77. Penalties.

Division 2. Rules For Use Of City Parks And Facilities

§ 18-81. Hours of use—parks and outdoor recreation facilities.

§ 18-82. Prohibited acts in city parks and facilities.

§ 18-83. Rules for use of specific recreation facilities.

§ 18-84. Domestic animals in parks and recreation facilities.

§ 18-85. Picnicking.

§ 18-86. Fishing.

§ 18-87. Alcoholic beverages.

Division 3. Use Permits—General Provisions

§ 18-101. Permits to be issued in accordance with this division.

§ 18-102. Application for permits.

§ 18-103. Permit fees for reserved use.

§ 18-104. Deadline for submittal of permit applications.

§ 18-105. Standards for issuance of permits.

§ 18-106. Conditions of permits.

§ 18-107. Approval or denial of permits.

§ 18-108. Revocation of permit.

§ 18-109. Term of permit.

§ 18-110. Transfer of permit.

§ 18-111. Liability insurance required for certain uses of city parks and facilities.

Division 4. Use Permits—Parks

§ 18-121. Picnic shelters.

§ 18-122. Special photography.

§ 18-123. Public demonstrations, meetings and other public assemblies.

Division 5. Use Permits—Recreation Facilities

§ 18-130. Recreation facility defined.

§ 18-131. Negotiated agreements for recurring use.

§ 18-132. Permit required for reserved use.

§ 18-133. Prohibited activities.

§ 18-134. Sales and commercial uses.

§ 18-135. Closure of facilities.

§ 18-136. Denial of facility use.

§ 18-137. League use.

§ 18-138. League Background Checks

Division 6. Use Permits—Community Facilities

§ 18-160. Community facility defined.

§ 18-161. Negotiated agreements for recurring use.

§ 18-162. Permit and rental fees required for reserved use.

§ 18-163. City sponsored uses.

§ 18-164. Uses for which community facilities may be reserved.

§ 18-165. Use of community facilities for commercial purposes prohibited.

§ 18-166. Use of community facilities for political activities.

§ 18-167. General rules and regulations for reserved use of community facilities.

§ 18-168. Closure of community facilities.

§ 18-169. Rules for use of specific community facilities.

§ 18-170. Endorsement not implied.

Division 7. Fees For Reserved Use Of City Parks And Facilities

§ 18-181. Fees for reserved use of city parks and facilities authorized.

§ 18-182. Schedule of fees for reserved use.

LAKE WALES
CHAPTER 18. STREETS, SIDEWALKS AND OTHER
PUBLIC PLACES

Article I. In General

§ 18-1. Loitering for drug-related purposes prohibited.

(a) It is unlawful for any person to loiter in or near any thoroughfare, or place open to the public, including but not limited to streets, sidewalks, parks, plazas, and squares or near any public or private place, in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to the provisions of F.S. ch. 893, and with the intent to engage in drug related activity contrary to any of the provisions of F.S. ch. 893.

(b) It is unlawful to loiter within fifty (50) feet of a licensed drug or alcohol treatment facility.

(c) No arrest or conviction under this section may occur unless and until the officer has probable cause that the individual to be arrested is loitering with the intent to engage in drug-related activity.

(d) Prior to making an arrest under this section, the officer must afford the individual to be arrested an opportunity to explain his or her conduct and purpose at the site. No person shall be convicted for violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose. Refusal by the person to explain his or her conduct to the officer shall not be deemed an element of the offense or evidence establishing probable cause that the person has violated this section.

(e) The circumstances which may be considered in determining whether a purpose to engage in drug related activity is manifested includes, but are not limited to:

(1) Such a person is a known unlawful drug user, possessor, or seller. For the purposes of this section, a "known unlawful drug user, possessor, or seller" is a person who has, within the knowledge of the officer, been:

a. Convicted in any court of any violation involving the use, possession, or sale of any of the substances referred to in F.S. ch. 893, or the similar laws of any other state; or

b. A person who displays physical characteristics of drug intoxication or usage, including "needle tracks"; or

c. A person who possess drug paraphernalia as defined in F.S. ch. 893.

(2) It is known that such a person has been convicted within a period of two (2) years of any violation involving the use, sale, possession, or transfer of any substance referred to in F.S. ch. 893.

(3) The area involved is by public repute to be an unlawful drug use and drug trafficking area.

(4) The premises involved are known to have been reported to law enforcement as a place of suspected drug activity.

(5) Any vehicle involved is known to be registered to a known unlawful drug user, possessor, or seller, or for which there is an outstanding warrant for a drug-related violation.

(6) Such person behaves in such manner as to raise a reasonable suspicion that either he or she is about to engage in, or has engaged in an unlawful drug-related activity.

(7) Such person takes flight upon the appearance of a police officer.

(8) Such person endeavors to conceal himself or herself, or conceals any object that reasonably could be involved in an unlawful drug related activity.

(9) The person repeatedly beckons to, stops, attempts to stop, or engages in conversations with passers-by, whether such passers-by are on foot or in a motor vehicle.

(10) The person repeatedly passes to or receives from passers-by money, objects, or written material, whether such passers-by are on foot or in a motor vehicle.

(11) The person is known by the officer to be the subject of a court administrative order of parole, probation, bond, or sentence, prohibiting his or her presence in the area, or in any geographic area known to have unlawful drug-related activity.

(f) A suspect's race or ethnicity shall not be a factor in determining his or her intent.

(g) Any property, including a motor vehicle, used to facilitate a violation of this section or F.S. ch. 893, or used in connection with an activity that violates this ordinance or F.S. ch. 893, may be seized at the time of the arrest and permanently forfeited upon conviction for a violation of this ordinance or F.S. ch. 893, pursuant to the provisions of the Florida Forfeiture and Contraband Act.

(Ord. No. 99-15, § 1, 1-4-00)

Article II. Streets

§ 18-26. Obstructing.

No person shall within the city place any obstruction in or on any public street or sidewalk, lane or walk, until such person shall have first applied for and obtained from the city manager a permit for such purpose.

(Code 1962, § 15-63)

§ 18-27. Supervision.

No street shall be constructed without permission first having been obtained from the city and all work shall be under the direct supervision of the public works department and the building department.

(Code 1962, § 21-1)

§ 18-28. Construction specifications.

All streets, curbs and gutters within the corporate limits of the city shall be designed in accordance with the current edition of Roadway and Traffic Design Standards as promulgated by the state department of transportation and as amended from time to time. The minimum design base shall consist of six (6) inches of base materials with one and one-half (1½) inches of asphalt and minimum standards for subbase stabilization. Installation of roadways shall be in accordance with the current edition of Standard Specifications for Road and Bridge Construction as promulgated by the state department of transportation and as amended from time to time. All adjacent roadways will match. Attachments to department of transportation right-of-ways shall be approved by the state department of transportation prior to issuance of permits by the city building official.

(Code 1962, § 21-1)

§ 18-29. Assessments for paving.

(a) All lots having front footage shall be assessed at one-third (1/3) of the paving assessment.

(b) All side or rear lots which extend through from one (1) street to another shall be assessed at one-half (1/2) of one-third (1/3) of the paving assessment.

(c) Duplexes on corner lots and facing both streets shall be assessed at one-third (1/3) of the paving assessment on both streets.

(d) Frontage of undeveloped lots shall be assessed on the frontage as per the plat as recorded in the public records.

(e) Developed lots which actually face other than as laid out per the plat shall be assessed in the manner in which the building faces.

(Code 1962, § 21-1.1)

§ 18-30. Renaming of city streets.

Effective: Tuesday, May 18, 2021

(a) *Streets ineligible for renaming.* No street bearing an historic family name shall be considered eligible for renaming.

(b) *Procedure for renaming.*

(1) An application to rename a street must be submitted to the City Manager. The application may require a fee and documentation as determined by policies established by the City Commission. The application will then be presented at a regularly scheduled commission meeting for consideration. If there is consensus among the commissioners to consider the proposal to rename a street, a public hearing shall be scheduled that allows a minimum of thirty (30) days notice to the public that such proposal will be considered.

(2) A notice of the time, date and place of the public hearing to consider a street renaming shall be advertised in the non-legal section of a newspaper of general circulation in the community at least thirty (30) days prior to the date of such public hearing.

(3) A notice of the time, date and place of the public hearing to consider a street renaming shall be delivered to each business and residence with an address on the subject street at least fifteen (15) days prior to the date of such public hearing. The notice may be delivered by mail or by door-hanger.

(4) If the proposal to rename a street is approved by the city commission, the request shall be forwarded to the applicable Polk County agency for final approval.

(5) If all required approvals are granted, the city manager or his designee shall notify the U.S. Postal Service of the change in street name and replace street signs as necessary.

(Ord. No. 2003-12, § 1, 5-6-03; Ord. No. 2021-07, § 1, 5-18-21)

Article III. Sidewalks

§ 18-46. Construction specifications.

All sidewalks within the corporate limits of the city shall be constructed in accordance with current specifications for Class 3 sidewalks as defined by the American Concrete Institute (ACI) and included in the Standard Building Code adopted in section 7-26.

§ 18-47 – 18-54. Reserved

Effective: Tuesday, February 07, 2017

(Ord. No. 2017-01, § 1, 02-07-2017)

Article IV. Newsrack Code

§ 18-61. Definitions. [Repealed]

Effective: Tuesday, February 07, 2017

As used in this article, the following definitions shall apply:

Newsrack. Any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale of newspapers or news periodicals.

Owner. The particular individual who was responsible for installing and/or maintaining a newsrack.

Parkway. That area between the sidewalk and the curb of any street in a residential area. "Parkway" also includes all the area located between Lakeshore Boulevard and Lake Wailes.

Public property. Any property owned by the city.

Right-of-way. Land which, by deed, conveyance, agreement, usage or process of law, is reserved for and dedicated to the general public for street, highway, alley, pedestrian walkway, storm drainage, bicycle path or other purposes.

Roadway. That portion of a public street improved, designed or ordinarily used for vehicular travel.

Sidewalk. Any surface provided for the exclusive use of pedestrians.

(Ord. No. 89-28, § 1, 12-19-89; Ord. No. 2017-01, § 2, 02-07-2017)

§ 18-62. Standards. [Repealed]

Effective: Tuesday, February 07, 2017

The following standards shall apply to the placement of newsracks within the city:

(1) No person shall install, use or maintain any newsrack which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon or over any portion of a roadway.

(2) No person shall install, use or maintain any newsrack which rests, in whole or in part, upon or over any public right-of-way or any public property when such installation, use or maintenance endangers the safety of persons or property or when such newsrack interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle.

(3) No person shall install, use or maintain any newsrack which rests, in whole or in part, upon any parkway, except in the area designated for such use in the location known as the "pavilion site."

(4) No newsrack shall be placed upon any sidewalk in a location where the placement impedes pedestrian traffic or access to any residence or business.

(5) All newsracks lawfully placed within the city in accordance with these standards are subject to the following limitations:

a. No single newsrack shall exceed fifty-four (54) inches in height, thirty (30) inches in width or twenty-four (24) inches in depth.

b. No newsrack shall be chained, bolted or otherwise affixed to any property or to any permanently fixed object not owned by the owner of the newsrack, unless the consent of the owner of such property or object is obtained in writing.

c. Newsracks may be clustered together and chained or otherwise attached to each other; however, no more than four (4) newsracks may be attached or chained together in a cluster. At least eighteen (18) inches must separate clusters.

d. No newsracks shall be placed, installed, used or maintained within three (3) feet of any marked crosswalk, within fifteen (15) feet of the curb return of an unmarked crosswalk, within three (3) feet of any fire hydrant, within three (3) feet of any driveway, within three (3) feet of any display window of a building abutting a sidewalk, or at any location whereby the passageway of pedestrians is reduced to less than three (3) feet.

e. Every newsrack shall be constructed, installed and maintained in a safe and secure condition. Each newsrack shall have fixed to it, in a readily visible place, the telephone number or a working telephone service to call to report a malfunction or to secure a refund in the event of a malfunction of the newsrack.

(Ord. No. 89-28, § 2, 12-19-89; Ord. No. 2017-01, § 2, 02-07-2017)

§ 18-63. Removal. [Repealed]

Effective: Tuesday, February 07, 2017

In the event any newsrack is found not to be in compliance with the standards of this article, the following procedure shall occur:

(1) The city manager or his designee shall give written notice to the owner of the newsrack of the violation. This written notice shall demand that the offending newsrack be removed within ten (10) days from the date of the notice.

(2) Upon failure of the owner, following such notice, to remove the newsrack, the newsrack shall be deemed to be unclaimed property and shall be removed by the city and disposed of pursuant to the laws regulating the disposal of unclaimed property.

(3) If, after receiving the notice of removal, an owner of a newsrack contends that the newsrack is not in violation of the standards of this article, that owner may appeal the notice of violation to the code enforcement board of the city. The requirement to remove the newsrack shall be stayed until the board determines whether or not a violation does exist. In making this determination, the board shall consider only the standards of this article.

(Ord. No. 89-28, § 3, 12-19-89; Ord. No. 2017-01, § 2, 02-07-2017)

Division 1. GENERALLY

§ 18-55. Short title.

Effective: Tuesday, February 07, 2017

This article may be cited as the "Lake Wales Newsrack Code."

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-56. Intent and purpose.

Effective: Tuesday, February 07, 2017

The City Commission finds and declares that:

(1) Findings.

a. The uncontrolled placement and maintenance of newsracks in public rights-of-way present an inconvenience and danger to the safety and welfare of persons using such rights-of-way; including pedestrians, persons entering and leaving vehicles and buildings, and persons performing essential utility, traffic control and emergency services.

b. Newsracks so located as to cause an inconvenience or danger to persons using public rights-of-way, and unsightly newsracks located thereon, constitute public nuisances.

c. These factors constitute an unreasonable interference with and obstruction of the use of public rights-of-way, are injurious to health, offensive to the senses, and constitute such an obstruction of the free use of property as to interfere in the comfortable enjoyment of life and property by the entire community.

d. The City Commission recognizes, however, that the use of such rights-of-way is so historically associated with the sale and distribution of newspapers and publications that access to those areas for such purposes should not be absolutely denied. The City Commission further finds that it is in the public interest to provide newsracks within a designated area set forth in this article to accommodate such interests regulating the time, place and manner of using such City supplied newsracks.

(2) Purpose. The provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, safety, and general welfare of persons in the City in their use of public rights-of-way within the designated area through the regulation of placement, appearance, number, size, and servicing of newsracks on the public rights-of-way so as to:

a. Provide for pedestrian and driving safety and convenience;

b. Ensure no unreasonable interference with the flow of pedestrian or vehicular traffic, including ingress to, or egress from, any place of business or from the street to the sidewalk;

c. Provide reasonable access for the use and maintenance of sidewalks, poles, posts, traffic signs and signals, hydrants, mailboxes and similar appurtenances, and access to locations used for public transportation purposes;

d. Reduce visual blight on the public rights-of-way, protect the aesthetics and value of surrounding properties;

e. Reduce exposure of the city to personal injury or property damage claims and litigation; and

f. Protect the right to distribute information protected by the federal and state constitutions through use of newsracks.

(3) *Preservation of constitutional rights.* It is not the intent of this article to in any way discriminate against, regulate, or interfere with the publication, circulation, distribution, or dissemination of any printed material that is constitutionally protected.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-57. Definitions.

Effective: Tuesday, February 07, 2017

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

Block means one side of a street between two consecutive intersecting streets.

Commercial handbill means any pamphlet, circular, brochure, handbill or other document used solely to express the economic interests of the speaker or publisher or of the audience to whom the material is directed.

Supervisor of code enforcement refers to the supervisor of code enforcement or his or her designee.

Distributor means the person responsible for placing and maintaining publications within the newsrack provided by the City.

Newsrack means any type of unmanned device, whether a self-service or coin-operated box, container, storage unit or other dispenser, installed, used or maintained for the display, sale, or vending of or free distribution of newspapers or news periodicals or commercial handbills.

Newsrack receptacle or receptacle means a cabinet or portion of a cabinet within the newsrack structure provided by the City and placed within the Park and Stuart Avenue corridor by the City.

Park and Stuart Avenue corridor means that area bounded by and including the public rights-of-way of Park and Stuart Avenues lying between Scenic Highway on the east and Wetmore Avenue on the west.

Person means any person or persons, or entity including, but not limited to, a corporation, partnership, unincorporated association or joint venture.

Roadway means that portion of a street improved, designed or ordinarily used for vehicular travel.

Sidewalk means any surface provided for the use of pedestrians.

Street means all the area dedicated to public use for public street purposes and shall include but not be limited to roadways, alleys and sidewalks.

Owner. The particular individual who was responsible for installing and/or maintaining a newsrack.

Parkway. That area between the sidewalk and the curb of any street in a residential area. "Parkway" also includes all the area located between Lakeshore Boulevard and Lake Wailes.

Public property. Any property owned by the city.

Right-of-way. Land which, by deed, conveyance, agreement, usage or process of law, is reserved for and dedicated to the general public for street, highway, alley, pedestrian walkway, storm drainage, bicycle path or other purposes.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-58. Violations.

Effective: Tuesday, February 07, 2017

(a) Upon determination by the Supervisor of code enforcement that a newsrack receptacle has been installed, used or maintained in violation of this article, a notice to correct the offending condition shall be issued to the distributor utilizing the newsrack. Such notice shall be affixed to the newsrack receptacle and a copy thereof shall be mailed by certified mail, return receipt requested to the distributor at the address noted on the newsrack receptacle. The notice shall specifically describe the offending condition, suggest actions necessary to correct the condition and inform the distributor of the right to appeal.

(b) Failure to properly correct the offending condition within five days (excluding Saturdays, Sundays and legal holidays) after the mailing date of the notice or to appeal the notice of violation within three days after its receipt shall result in the removal of the contents of the offending newsrack. The contents will then be processed as abandoned property.

(c) If the offending newsrack receptacle is not properly identified as to owner under the provisions of this article, its contents shall be removed immediately and processed as abandoned property.

(d) An impound fee, which shall be measured by the city's cost and expense of impounding, shall be assessed against each newsrack receptacle from which the contents are summarily removed.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-59. Abandonment.

Effective: Tuesday, February 07, 2017

If a newsrack receptacle remains empty for a period of 30 continuous days, the newsrack receptacle shall be deemed abandoned and may be treated in the manner as provided in section 18-58 for newsracks receptacle(s) in violation of this article.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-60. Interference with public safety, utilities, governmental use or traffic prohibited.

Effective: Tuesday, February 07, 2017

No person or entity shall install, use, or maintain any newsrack within the Park and Stuart Avenue corridor which projects onto, into, or which rests, wholly or in part, upon the roadway of any public street or on any other public property within the corridor.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-61. Standards.

Effective: Tuesday, February 07, 2017

Any newsrack receptacle within the Park and Stuart Avenue corridor shall comply with the following standards:

(1) No newsrack receptacle shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper, news periodical or commercial handbill sold or distributed therein.

(2) Each coin-operated receptacle installed in the newsrack shall be equipped with a coin-return mechanism to permit a person using the machine to secure an immediate refund if he is unable to receive the paid-for publication. The coin- return mechanism shall be maintained in good working order.

(3) Each newsrack receptacle shall have affixed to it, in a readily visible place to be seen by anyone using the newsrack, a notice setting forth the name and address of the distributor and the telephone number of a working telephone service to call to report a malfunction or to secure a refund if a malfunction of the coin-return mechanism occurs or to give the notices provided for in this article.

(4) Each receptacle within the newsrack shall be maintained in a neat and clean condition and in good repair at all times. Specifically, but without limiting the generality of this subsection, each newsrack receptacle shall be serviced and maintained so that:

- a. It is reasonably free of dirt and grease.
- b. It is reasonably free of chipped, faded, peeling and cracked paint in the visible painted areas thereof.
- c. It is reasonably free of rust and corrosion in the visible unpainted metal areas thereon.
- d. The clear plastic or glass parts thereof, if any, through which the publications therein are viewed are unbroken and reasonably free of cracks, dents, blemishes and discoloration.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-62. Location.

Effective: Tuesday, February 07, 2017

(1) In determining which newsracks already in place shall be permitted to utilize a newsrack receptacle after the installation of the City's newsracks, the Supervisor of code enforcement shall be guided solely by the following criteria:

a. First priority shall be given to newsracks used for the sale of publications which meet the requirements of F.S. §§ 50.011 and 50.031 as newspapers in which legal notices and process may be published for Polk County.

b. Second priority shall be given to newsracks used for the sale or distribution of daily publications (those published on five or more days in a calendar week) which do not meet the requirements of F.S. §§ 50.011 and 50.031 as newspapers in which legal notices and process may be published for Polk County.

c. Third priority shall be given to newsracks used for the sale or distribution of weekly publications (those published on at least one but less than five days in a calendar week) which do not meet the requirements of F.S. §§ 50.011 and 50.031 as newspapers in which legal notices and process may be published for Polk County.

(Ord. No. 2017-01, § 3, 02-07-2017)

Division 2. PERMIT

§ 18-63. Required.

Effective: Tuesday, February 07, 2017

It shall be unlawful for any person to utilize a receptacle within the City's newsracks located in the Park and Stuart Avenue corridor without having first obtained a permit from the Supervisor of code enforcement specifying the exact location of such newsrack receptacle. One permit may be issued to include any number of newsrack receptacles and shall be signed by the applicant and shall meet the requirements set forth in this article.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-64. Application.

Effective: Tuesday, February 07, 2017

(a) Application for a newsrack receptacle permit shall be made, in writing, to the Supervisor of code enforcement upon such form as shall be provided by the City and shall contain the name and address of the applicant, the proposed specific location of the receptacle within the newsrack and shall be signed by the applicant.

(b) From the above application information, the Supervisor of code enforcement shall approve the locations. The Supervisor shall be guided therein solely by the standards and criteria set forth in this article.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-65. Conditions for issuance; fees; duration.

Effective: Tuesday, February 07, 2017

(a) As an express condition of the acceptance of such newsrack receptacle permit, the permittee thereby agrees to indemnify and save harmless the city, its elected and appointed officials, and employees against loss, liability or damages, including expenses and costs for bodily or personal injury, and for property damages sustained by any person as a result of the installation, use or maintenance of a receptacle within a newsrack within the Park and Stuart Avenue corridor.

(b) Permits issued for the utilization of a newsrack receptacle require that use or maintenance thereof shall be conditioned upon observance of the provisions of this article and by such reasonable rules and regulations as may be established by the Supervisor of code enforcement. Permits shall be issued on a first come, first served basis within 48 hours (excluding Saturday, Sunday and legal holidays) after the application has been filed. An annual permit fee in the amount established by the City shall be required.

(c) Such permit shall be valid for one year and shall be renewable pursuant to the procedure for original applications referred to in this section and upon payment of the required permit fee.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-66. Suspension or revocation.

Effective: Tuesday, February 07, 2017

In addition to the enforcement procedures provided in this article, the Supervisor of code enforcement may suspend or revoke the newsrack receptacle permit for continued or repeated violations or infractions of any provision of this article or of any rule, direction or regulation of the Supervisor of code enforcement. Such revocation shall apply only to the offending newsrack receptacle and not to any other permitted and non-offending newsrack receptacle. Suspension or revocation shall be mandatory for the third offense against this article.

(Ord. No. 2017-01, §3, 02-07-2017)

Division 3. PLACEMENT OF NEWSRACKS

§ 18-67. Standards.

Effective: Tuesday, February 07, 2017

The following standards shall apply to the placement of newsracks within the city:

(1) No person shall install, use or maintain any newsrack which projects onto, into or over any part of the roadway of any public street, or which rests, in whole or in part, upon or over any portion of a roadway.

(2) No person shall install, use or maintain any newsrack which rests, in whole or in part, upon or over any public right-of-way or any public property when such installation, use or maintenance endangers the safety of persons or property or when such newrack interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle.

(3) No person shall install, use or maintain any newsrack which rests, in whole or in part, upon any parkway, except in the area designated for such use in the location known as the "pavilion site."

(4) No newsrack shall be placed upon any sidewalk in a location where the placement impedes pedestrian traffic or access to any residence or business.

(5) All newsracks lawfully placed within the city in accordance with these standards are subject to the following limitations:

a. No single newsrack shall exceed fifty-four (54) inches in height, thirty (30) inches in width or twenty-four (24) inches in depth.

b. No newsrack shall be chained, bolted or otherwise affixed to any property or to any permanently fixed object owned by the owner of the newsrack, unless the consent of the owner of such property or object is obtained in writing.

c. Newsracks may be clustered together and chained or otherwise attached to each other; however, no more than four (4) newsracks may be attached or chained together in a cluster. At least eighteen (18) inches must separate clusters.

d. No newsracks shall be placed, installed, used or maintained within three (3) feet of any marked crosswalk, within fifteen (15) feet of the curb return of an unmarked crosswalk, within three (3) feet of any fire hydrant, within three (3) feet of any driveway, within three (3) feet of any display window of a building abutting a sidewalk, or at any location whereby the passageway of pedestrians is reduced to less than three (3) feet.

e. Every newsrack shall be constructed, installed and maintained in a safe and secure condition. Each newsrack shall have fixed to it, in a readily visible place, the telephone number or a working telephone service to call to report a malfunction or to secure a refund in the event of a malfunction of the newsrack.

(Ord. No. 2017-01, § 3, 02-07-2017)

§ 18-68. Removal

Effective: Tuesday, February 07, 2017

In the event any newsrack is found not to be in compliance with the standards of the division, the following procedure shall occur:

(1) The city manager or his designee shall give written notice to the owner of the newsrack of the violation. This written notice shall demand that the offending newsrack be removed within ten (10) days from the date of the notice.

(2) Upon failure of the owner, following such notice, to remove the newsrack, the newsrack shall be deemed to be unclaimed property and shall be removed by the city and disposed of pursuant to the laws regulation the disposal of unclaimed property.

(3) If, after receiving the notice of removal, an owner of a newsrack contends that the newsrack is not in violation of the standards of this division, that owner may appeal the notice of violation to the code enforcement board of the city. The requirement to remove the newsrack shall be stayed until the board determines whether or not a violation does exist. In making this determination, the board shall consider only the standards of this division.

(Ord. No. 2017-01, § 3, 02-07-2017)

Article V. Parks, Recreation And Other Community Facilities

Division 1. Generally

§ 18-71. Purpose and objectives.

(a) In order to promote public health, safety and welfare of the citizens of the city, a parks and recreation ordinance is hereby enacted for the general purpose of assuring the proper balance between (1) the use of park, cultural and recreational facilities and (2) the preservation of such facilities and law and order.

(b) The intent of this article is to reduce property damage and closure of public parks and facilities due to vandalism, minimize the hazards of personal injury and loss of life, and maintain the quality of outdoor and indoor cultural, recreational and other community resources by establishing rules and regulations governing the use of such parks and facilities.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-72. Applicability.

(a) Unless stated otherwise herein, this article shall apply in all city parks and recreation areas and in all cultural, recreational and other community facilities which now are or which may hereafter be under the jurisdiction and control of the City of Lake Wales, and shall include all grounds, roadways, parks, athletic fields, buildings, school facilities when they are in use by the city as recreational facilities, and other areas used by the city for cultural, recreational or other community purposes. These provisions shall govern the use of all such areas and facilities, and the observance of these provisions shall be a condition under which they may be used by the public. Certain provisions of this article shall further be applicable outside city parks and recreation areas where the context indicates an intention that they also be applied.

(b) The provisions of this article shall not apply to any public officer, employee or peace officer who is acting in the course of and within the scope of the public business, nor to any other person conducting public business or related activities for, on behalf of, and pursuant to lawful authority of an appropriate public entity.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-73. Opportunities for use of public parks and facilities.

Any and all individuals using city parks and facilities pursuant to the rules and regulations of this article shall be provided equal opportunity for use of any park, facility and program offered therein without regard to physical limitation, age, race, color, national origin, religion, political beliefs or sex.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-74. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her."

Alcoholic beverage means distilled spirits and all beverages containing one-half of one (0.5) per cent or more alcohol by volume, including beer and wine. Medicines or drugs dispensed pursuant to a physician's prescription are excluded.

Amplified sound and/or sound-emanating equipment means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including, but not limited to, public address systems, amplifiers, horns and megaphones.

Animal means any cat, dog, horse, fowl and living creature other than a human.

Applicant means any person seeking a permit to use or conduct an activity in a park or recreation area or facility.

At large. Any animal not under restraint while off the premises of the owner.

City means the City of Lake Wales.

City Commission means the governing body of the City of Lake Wales.

City Manager means the chief administrative officer of the City of Lake Wales or his designee.

Civic, educational or community service group means any not-for-profit group primarily devoted to the advancement of civic, educational or community service purposes.

Community facility means a building owned, leased or otherwise controlled by the city which is open to the public for reserved use.

Domestic animal. Any animal not deemed to be a wild or exotic animal pursuant to Florida Game and Freshwater Fish Commission regulations.

Facility means any building or area owned, equipped and maintained by the city for public use.

League means an organized group engaging in a team sport utilizing a specific facility on a regular scheduled basis whose participants pay a fee to participate or have sponsors.

Limited membership group means denominational groups, partisan political groups, labor organizations and other such groups where membership is limited or not open to the general public.

Nonrecurring use means infrequent use of a specific facility or the use of a facility on a special event basis (i.e., annual picnics, private parties or company-sponsored events).

Organized play means six (6) persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, baseball, softball, football, basketball, or volleyball; this shall not apply for infrequent use.

Park means all real properties owned or controlled by the city and designated on a map maintained in the office of the city clerk, regardless of the extent of development or official designation, which serve as picnic grounds, recreation areas, nature areas and public fishing waters. Use of the term "park" in this article generally refers to those parks which are not used for organized scheduled activities. Park facilities include, but are not limited to, open space play areas, picnic shelters or pavilions, park benches, bike trails, fishing piers, boat ramps, restrooms, etc. The term "park" also refers to urban open spaces such as the Downtown Marketplace which are maintained for public use. In accordance with the City's comprehensive plan, city parks are classified as follows:

Mini-park: Mini-parks are small parks or landscaped areas of generally less than 1 acre in size. Often having playground equipment, benches and picnic tables, mini-parks are usually intended to serve sub-neighborhood areas. A typical service radius is less than one-fourth ($\frac{1}{4}$) mile. Access is by foot or bicycle.

Neighborhood park: Neighborhood parks are intended to serve an entire neighborhood. They generally range in size from one (1) to fifteen (15) acres. Development often included playgrounds, ball fields, multi-purpose courts, athletic fields, tennis courts, free play areas, etc. Access is also by foot or bicycle and the service radius is between one-fourth ($\frac{1}{4}$) and one-half ($\frac{1}{2}$) mile.

Community park: Community parks serve an entire town or community and generally range in size from sixteen (16) to one hundred (100) acres. Development includes those facilities found in neighborhood parks but may also include such facilities as athletic complexes, swimming pools, recreation buildings, and natural areas for walking, sitting, and picnicking. Access is generally by car. The service radius is two to three miles.

Linear park: Linear parks are special parks developed along natural or man-made corridors for recreational modes of travel, such as horseback riding trails, bicycle trails, hiking trails and canoe trails. They have no size or standard service area. Some may be intended for local users, others with unique scenic or cultural features may attract users from a wide area.

Permit means any written license issued by or under the authority of the city manager or the city commission permitting a use, event or activity in a park or recreation area or facility.

Person means any individual, child, firm, association, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations.

Political activities means activities engaged in by candidates for public office, political groups, political parties or political committees.

Professional association means a group formed by practitioners of a specific profession or occupation.

Recreation commission means the citizen board established by section 2-161, Lake Wales Code of Ordinances.

Recreation facility means a building, structure, field, court, or park which has organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play. Recreation facilities include, but are not limited to, ballfields, tennis courts, shuffleboard courts, playgrounds and the Albert Kirkland Sr. Gymnasium.

Recurring use means repeated use of a specific facility on a regularly scheduled basis (i.e., leagues, organized play, monthly meetings, etc.).

Reserved use means exclusive, permitted use for one or more occasions.

Resident means a person or the minor children of the person who owns or leases real property within the city limits or who maintains either a voting residence or bona fide occupancy within the city limits. For the purpose of assessing fees for use of city facilities, the term "resident" also includes persons who reside outside the city limits but are customers of the city's water utility.

Service animal means any animal such as a seeing-eye dog or hearing-ear dog used to assist a person with a disability or an animal trained for law enforcement purposes and under the control of a law enforcement officer.

Special event means an event that takes place on public property which, because of its scope and impact on surrounding areas and the potential need for provision of extra services by the city, requires a permit issued by the city manager in accordance with Chapter 14, Lake Wales Code of Ordinances. Special events include, but are not limited to, circuses, carnivals, festivals, parades and filming for commercial purposes. Events requiring the closure of a public street shall require the approval of the city commission. The location of a circus, carnival or other similar special event shall require the approval of the city manager.

Vehicle means every device in, upon or by which any person or property may be transported or drawn upon a highway, excepting devices used exclusively upon station rails or tracks.

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2012-24, § 1, 12-4-12)

§ 18-75. Parental responsibility.

No parent, guardian or custodian of a minor shall permit or allow such minor to do any act or thing in any city park or facility prohibited by the provisions of this article. Parents, guardians and custodians of minors shall also be held responsible for the acts of said minors.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-76. Enforcement.

(a) It shall be unlawful for any person to do any act prohibited or fail to perform any act required by this article. Any person who fails to comply with any lawful and reasonable order given by law enforcement offices or authorized city official shall be in violation of F.S. §843.02.

(b) The city manager, city law enforcement officers, or any employee so designated by the city manager shall have the authority to eject from a city park or facility any person in violation of this article, the Lake Wales Code of Ordinance, or Florida Statutes.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-77. Penalties.

Any person violating any of the provisions of this article shall also be subject to the violation and penalty provisions of section 1-15 of this Code.

(Ord. No. 2006-48, § 1, 12-19-06)

Division 2. Rules For Use Of City Parks And Facilities

§ 18-81. Hours of use—parks and outdoor recreation facilities.

(a) It shall be unlawful to congregate in or use any lighted city park or outdoor recreation facility after 10:00 p.m. and before 6:00 a.m., except for the following:

(1) The city tennis courts and handball courts; provided that the use which occurs after 10:00 p.m. is only for the purpose of completing a match that was begun before 10:00 p.m.

(2) Those organized recreational or cultural activities where the organizer has obtained a permit for use of the city park beyond 10:00 p.m. A permit for the use of a city park beyond 10:00 p.m. may be issued to the organizer of a cultural or recreational activity by the city manager or his designee.

(3) Any park or outdoor recreation facility where a sign is posted that specifies closing hours other than those specified in paragraph (a).

(b) It shall be unlawful to congregate in or use any unlighted city park or outdoor recreation facility after 7:00 p.m. and before 7:00 a.m.

(c) It shall be unlawful to congregate on or use any unlighted trail after 11:00 p.m. and before 5:00 a.m. Lighted trails shall be open at all times.

(d) The city manager may post a sign that specifies closing hours other than those specified in paragraph (a) or (b) for any city park, trail or outdoor recreation facility subject to the following guidelines:

- (1) The amount of daylight at the time of year during which the closing hours will be in effect;
 - (2) Available artificial lighting in the park or recreation facility;
 - (3) The city's ability to provide and the cost of providing adequate police protection in the park or recreation facility during the hours in which it is open;
 - (4) The occurrence of acts of vandalism and other crimes in the park or recreation facility;
 - (5) The need to prevent deterioration of existing shrubbery and grass in the park or recreation facility or the need to protect new plantings of grass and shrubbery.
- (e) Except for unusual and unforeseen emergencies, parks and outdoor recreation facilities shall be open to the public every day of the year during designated hours.
- (f) The city manager may close any park or recreational facility or any section thereof, or prohibit certain uses in any park or recreational facility for the time necessary to remedy any unforeseen circumstances, effect repairs, or provide maintenance. No person in a park or recreational facility shall enter an area posted as being closed to the public without the permission of the city manager or his designee.
- (Ord. No. 2006-48, § 1, 12-19-06)

§ 18-82. Prohibited acts in city parks and facilities.

It shall be unlawful for any person using city parks and facilities to either perform or allow the performance of any of the following acts, unless such activity is authorized, permitted or supervised by the city:

- (a) *Damaging property.* No person shall willfully mark, deface, damage, displace, remove or tamper with any park or facility buildings, tables, benches, fireplaces, railing, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards or notices, monuments, stakes, posts, boundary markers or other structures, equipment or parks or recreation property.
- (b) *Improperly using park structures, equipment and furniture.*
 - (1) No person shall climb on or over any building, facility, structure, or natural feature in any city park or recreation facility unless the same is intentionally designed for climbing purposes.
 - (2) No person over the age of fourteen (14) years shall trespass upon or play upon or use the playground equipment at any city park other than those swings designated for adult use.
 - (3) No person shall recline upon any seat, table, bench, or in any location not intended for such occupancy.
 - (4) No person over the age of six (6) years, unless accompanied by a parent or other responsible adult, shall enter into or loiter near any park structure or section thereof reserved and designated by the city for exclusive use by the opposite sex.
 - (5) No person shall dive or jump into the lake from the fishing pier.
 - (6) The city shall post specific rules for each facility.

(c) *Polluting waters.* No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond or lake or any storm sewer or drain flowing into such waters any substance, matter or things, liquid or solid, which will or may result in the pollution of such waters.

(d) *Removing soil or plants.* No person shall dig or remove any soil, rock, stones, trees, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means, except that digging shall be permitted in areas designated for such purpose. Collection of natural objects, including plant and animal life and minerals, for scientific and educational purposes may be conducted in compliance with terms of written permits granted by the city manager.

(e) *Damaging plants.* No person shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.

(f) *Harming or molesting animal life.* No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw missiles at any mammal, bird, reptile or amphibian; nor shall any person remove or in any way harm the eggs, nest or young of any mammal, bird, reptile or amphibian. City law enforcement officers shall be notified to take appropriate action for removal of poisonous snakes or alligators from parks and recreation areas. This paragraph does not apply to persons fishing in accordance with section 18-86

(g) *Littering.* No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other litter, or place refuse or litter in any waters in or contiguous to any park or facility, or anywhere on the grounds thereof, other than in the proper receptacles, where provided.

(h) *Igniting fires.* No person shall ignite or attempt to ignite any fire against or on any vegetation or park or facility structure, except in designated fireplaces or grills when used for cooking. Persons may use a personal grill in a designated picnic area; however, they will be responsible for the proper off-site disposal of all charcoal, wood chips or other cooking materials after such use. No person shall dispose of burning matches, smoking materials or other inflammable items within any park or recreation area except in designated receptacles. Ecological burning may be conducted by the city where appropriate for the restoration, maintenance and preservation of certain plant communities.

(i) *Unauthorized operation of vehicles.* No person shall drive or otherwise operate a vehicle in a park or recreation area upon surfaces other than those maintained and open to the public for purposes of vehicular travel, except upon temporary parking areas as may be designated from time to time by the city commission or city manager, and further excepting vehicles in the service of the city, animal control vehicles, law enforcement vehicles, and motorized wheelchairs.

(j) *Unauthorized parking.* No person shall park a vehicle in an area other than an established or designated parking area. No person shall park a vehicle overnight or park a vehicle having a gross weight exceeding three (3) tons without written approval of the city manager. Vehicles in violation of this paragraph may be towed and stored at the owner's expense.

(k) *Possessing or consuming alcoholic beverages.* No person shall possess and/or consume alcoholic beverages, including beer or wine; provided, however, that alcoholic beverages may be permitted by the city commission for special events or in specified facilities in accordance with section 18-87

(l) *Possessing or discharging weapons, explosives, etc.*

(1) No person shall carry or discharge firecrackers, rockets, torpedoes, or other types of explosives, nor shall any person carry or use any object calculated to make a noise sufficient to disturb the peace or quiet of the park or facility. No person shall carry or discharge any, sling shot, slung shot or similar device, or any bows and arrows, or carry or use any other object capable of propelling a projectile in any park or facility, nor shall any person carry on his or her person, in plain view, any knife or dagger.

(2) The provisions of paragraph (1) shall not be deemed to prohibit the carrying of ordinary tools or equipment for use in a lawful occupation or a fireworks exhibition sponsored by the city or community organizations during the Fourth of July or similar community celebrations.

(m) *Gambling.* No person shall conduct in any city park or facility any card game for money or any other game for money or participate in any form of betting or gambling as defined in Florida Statutes. A drawing for chance conducted by a charitable or non-profit organization may be conducted only in accordance with F.S. §849.0935.

(n) *Vending, soliciting, advertising, etc.* No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any city park or facility; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any park or facility. This paragraph shall not apply to any person acting pursuant to a contract with the city or under a special event permit granted by the city. No person shall distribute, post, place or erect any advertising, handbill, circular, bill, notice, placard, paper or other advertisement device in any city park or facility. No person shall beg or solicit contributions.

(o) *Operating sound amplification equipment.* No person shall install, use, and operate within a park a loudspeaker, horn, megaphone device, or other sound amplifying equipment for the purposes of giving instructions, directions, talks, addresses, or lectures, or of transmitting music to any persons or groups of persons in any park, or in the vicinity thereof, except when installed, used, or operated in compliance with a special event permit issued by the city and when operated in accordance with terms of the permit. Amplifiers permitted in parks shall be operated only through a power source provided or approved by the city or with a battery. This paragraph shall not apply to the use of a loudspeaker or other sound amplifying device that might be used on an athletic field during an athletic game or other competition sponsored by a school or community organization.

(p) *Launching or operating aircraft, radio-controlled model airplanes, etc.* No person shall launch or operate any aircraft, including but not limited to, hot air balloons, airplanes, ultralights, helicopters and gliders except in areas or at times specifically designated for this purpose by special permit issued by the city manager. No person shall launch or operate any radio-controlled model rockets, airplanes, gliders, boats or vehicles except in areas or at times specifically designated for this purpose by special permit issued by the city.

(q) *Camping*. No person shall camp in a city park or recreation area except at such times and places as may be designated by the city manager or his designee and except pursuant to a special permit issued by the city.

(r) *Erecting structures*. No person shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across a city park or recreation area except as authorized by special permit issued by the city.

(s) *Endangering the public*. No person shall endanger the safety of any person or group by any conduct or act or by any failure to observe the rules established by this article.

(t) *Interfering with use of the park by others*. No person or group shall prevent any other person or group from using any park or any of its facilities, or interfere with such use in compliance with this article and with the rules applicable to such use. Conducting activities authorized by a reserved use permit issued pursuant to this article shall not constitute a violation of this section.

(u) *Lewd and lascivious acts and sexual activity*. No person shall engage in a lewd or lascivious act or sexual activity in a city park or facility.

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2011-20, § 5, 9-20-11)

§ 18-83. Rules for use of specific recreation facilities.

(a) In addition to enforcement of general rules provided by section 18-82, the city manager or his designee may prescribe reasonable rules for enforcement in specific recreation facilities. All such rules shall supplement rules provided by this article and shall not waive or disregard rules provided by this article. All specific rules shall be posted in a conspicuous place at the facility where the rules apply.

(b) In the event any person violates the general or specific rules prescribed for a recreation facility, the city manager or his designee shall have the authority to eject the violator from the recreation facility and to deny the violator access to any recreation facility for an indefinite period of time.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-84. Domestic animals in parks and recreation facilities.

(a) Pets are permitted in parks if adequately restrained. Dogs must be kept at all times on leashes no longer than eight (8) feet, except that dogs may be off-leash in dog parks or other public space specifically designated by the city for dogs to be unleashed, provided the handler of the dog(s) adheres to all rules instituted by the city for such park or space. All animal excrement must be properly cleaned up and properly disposed of by the owner or keeper of the animal.

(b) No person shall bring into any park any animal that constitutes a safety hazard or detriment to the enjoyment of the area by the public.

(c) No person having in charge any dog shall permit, allow or suffer such dog to enter upon or remain within any playground or park area reserved for children or to enter any sandbox or play apparatus area.

(d) Horseback riding is not permitted in city parks and recreation facilities.

(e) Domestic animals, except for service animals, are not permitted inside city facilities except in accordance with paragraph (f).

(f) Upon issuance of a special permit by the city manager, animals may be admitted into city facilities for the purpose of city-sponsored or co-sponsored animal shows, exhibits, fairs, obedience training programs and the like. The city manager may deny such a permit if, in his sole discretion, the requested admission is inappropriate for the particular facility.

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2012-08, § 2, 5-15-12)

§ 18-85. Picnicking.

(a) No picnicking shall occur in any park areas except those that are designated for that purpose.

(b) Use of the picnic area facilities, including picnic shelters, individual fireplaces, tables and benches, generally follows the rule of "first-come, first-served." However, this practice shall not preclude city personnel from assigning or reserving park facilities for the use of particular persons or groups. A fee for such reserved usage shall be assessed in accordance with section 18-182

(c) No person shall use any portion of a picnic area or of any structures therein for an unreasonable time if the park facilities are crowded.

(d) To maintain cleanliness and to reduce fire hazards, each picnic party shall completely extinguish any fire and place all refuse, waste and trash in disposal containers where provided. If there are no such containers immediately available, then refuse shall be carried away by the user of the picnic facility and disposed of elsewhere.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-86. Fishing.

Fishing is permitted in city parks unless a prohibition is posted.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-87. Alcoholic beverages.

No person shall sell, offer for consumption, or consume any alcoholic beverage, including beer and wine, within any city park or facility except as follows:

(a) The city commission may approve the sale or consumption of alcoholic beverages in a city park or facility in conjunction with the issuance of a special event permit when possession and consumption is specifically authorized by permit or license of the state division of alcoholic beverages and tobacco.

(b) The city manager may approve the consumption of alcoholic beverages at private social functions in city facilities designated for such functions when a permit or license of the state division of alcoholic beverages and tobacco is not required. Such approval shall be subject to conditions stipulated in section 18-167(b) of this article.

(Ord. No. 2006-48, § 1, 12-19-06)

Division 3. Use Permits—General Provisions

§ 18-101. Permits to be issued in accordance with this division.

Any park or facility use permits required by this article shall be issued in accordance with the procedures, standards and conditions provided in this division. A permit issued by the city manager or his designee and accepted by signature of the permittee shall constitute a contract for use of the park or facility.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-102. Application for permits.

(a) All requests for permits required under this article shall be made in writing, upon an application form to be furnished by the city, which shall require the following information:

- (1) The name and address of the applicant proposing or sponsoring the activity involved. Photo identification may be required.
- (2) The type of permit requested and the purposes or activity proposed thereunder.
- (3) The date and hours for which the permit is desired.
- (4) The specific park area or facility for which the permit is requested.
- (5) The proposed number of persons who will attend or participate in the activity involved.
- (6) The number of youths who will attend or participate in the activity involved and the name of adults who will be present to chaperone.
- (7) Whether or not alcohol will be served.
- (8) A statement of any special circumstances which are material to the permit requested.
- (9) Such other relevant information as the city manager or his designee may reasonably require in regard to the application.

(b) Applicants may be required to provide liability insurance in accordance with section 18-111 if, in the sole discretion of the city manager, the requested use of the facility represents a significant risk of loss to the city.

(c) Parks and facility use permits will be issued to adults and adult sponsors of youth groups only.

(d) The permittee listed on the park or facility use permit as "person in charge" shall be responsible for the condition of the park or facility after its use. All other conditions listed on the park or facility use permit shall apply.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-103. Permit fees for reserved use.

(a) The city is authorized to establish fees for reserved use of park, recreation and community facilities and to offset the cost to the public for additional services provided by the city in connection with such use. Such fees are established in section 18-182 of this article and may be amended by ordinance from time to time.

(b) A fee will not be charged for use of a facility for city sponsored or co-sponsored programs or events.

(c) A reservation fee shall be charged at the time the facility or park is reserved that will roll over into a damage deposit at the event and be refunded if there is no damage and the facility or park has been satisfactorily cleaned up after its use. The balance of the fee must be paid prior to use of the park or facility in accordance with requirements of the applicable section of this ordinance.

(1) Use of the Northwest Complex outside of normal operating hours for each rental shall require the presence of at least one (1) city employee to open and close the facility and activate overhead lighting. The cost of the employee shall be paid by the person or group reserving the facility and the hourly rate to be charged shall be calculated as follows: the employee's current hourly rate multiplied by 1.5 (time-and-one-half) plus the cost of the city's FICA and pension contribution.

(2) If the rental of the Northwest Complex Fields requires that the field(s) be prepared and lined the cost of the preparation and lining of the field and a \$5.00 administrative fee shall to be charged.

(3) Use of the overhead field lighting at the Northwest Complex ball fields shall require a lighting usage fee and the cost shall be paid by the person or group reserving the field(s).

(d) If cancellation of an approved reservation is necessary, it is the permittee's responsibility to provide immediate written notification of such intent to cancel use.

(e) Cancellations will only be accepted from the permittee (the person who signed the reservation application) and not from anyone else acting on behalf of the permittee.

(f) In the event of a cancellation, refund of the reservation fee will be handled as follows:

(1) If 30 days or more remain before the date for which the facility is reserved, 100% of the reservation will be refunded less a \$5.00 administrative fee.

(2) If fewer than 30 days but more than 14 days remain before the date for which the facility is reserved, 50% of the reservation fee will be refunded except where the amount to be refunded is less than the \$5.00 administrative fee.

(3) If less than 14 days cancellation notice is provided, the city will retain the entire reservation fee.

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2010-24, § 1, 10-19-10)

§ 18-104. Deadline for submittal of permit applications.

Deadlines for submittal of permit applications prior to the date of a particular use shall be established for each type of facility; however, any use requiring approval as a special event or which requires a temporary street closing shall require that the application be submitted no later than forty-five (45) days prior to the event in accordance with Lake Wales Code Chapter 14. The city manager may waive this deadline for extenuating circumstances, but sufficient time must remain before the event for staff review of the application and for submittal to the city commission for approval, if required.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-105. Standards for issuance of permits.

(a) If the park area or facility will be available for use on the date and time requested, and is not subject to a prior reservation, the city manager or his designee shall issue a permit under this article when he finds the use applied for to be in accordance with the purpose for which such park or facility property is designed or intended, and further that the proposed activity will not unreasonably interfere with or detract from the general public enjoyment of the remaining park or facility area, or interfere with or endanger public health, welfare or safety, or be reasonably calculated to incite violence, crime or disorderly conduct on the part of the participants or entail unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city. In the event of scheduling conflicts, i.e., when an application is submitted by two or more persons at the same time for the same facility, priority shall be given to city residents.

(b) Eligibility for permitted use of parks and facilities is limited to activities which are free and open to residents of the city without regard for sex, age, race, religion or national origin.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-106. Conditions of permits.

(a) Permits will be issued under this article subject to such special regulations and instructions as may be prescribed by the city manager including, but not limited to:

(1) Restrictions on the number and other designations of persons who may participate in such permitted activities.

(2) Restrictions on the days of the week and the time of day that the particular facility may be used by the permittee.

(3) Provisions for maintenance by the permittee of the sanitation, cleanliness, and appearance of the facility. At times, portable restrooms may be required for special events.

(4) Provisions for security and the maintenance of law and order, including compliance with noise, parking, safety and other appropriate regulations. It is at the city's discretion to require security on the premises to enforce the policies of facility use. If security is deemed necessary, it is the responsibility of the user group or individual to reimburse the city for costs incurred in providing such security.

(5) Restrictions on the installation of apparatus or modification in any manner, either temporary or permanent, by the permittee to a sports field or adjacent structures.

(6) Requirements that all applicable fees shall be paid prior to use, unless other payment arrangements have been authorized.

(7) Requirements that a certificate of insurance in accordance with section 18-111, naming the city as the additional insured, must be on file at the city prior to any permit being approved.

(b) Permittees shall be bound by all park and facility rules and regulations and all applicable ordinances as fully as though such rules, regulations and ordinances were inserted in the permit.

(c) Permittees agree to hold the city harmless from any claims for loss, injury or damage to any persons whatsoever caused by the negligence of permittees in the exercise of such permit.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-107. Approval or denial of permits.

A permit shall only be approved by the city manager or his designee in accordance with this article and any written rules and regulations specific to the facility. All such permits must be granted contingent upon the condition that rules, regulations and ordinances established by the city, or any other public entity having jurisdiction, will be observed. A decision by the city manager to deny a permit will be final.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-108. Revocation of permit.

The city manager shall have the authority to revoke a permit upon finding a violation of any rule or ordinance, or upon good cause shown. Revocation of a permit shall result in the forfeiture of the damage deposit.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-109. Term of permit.

All permits issued under this article shall expire on the date specified therein.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-110. Transfer of permit.

No permit issued under this article shall be transferable.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-111. Liability insurance required for certain uses of city parks and facilities.

(a) The city shall require each organized activity taking place at any city facility to have insurance for said activity. Permittee shall procure and maintain for the term of the permit insurance against claims for injuries to persons or damages to property which may arise from or in connection with the activities described hereunder performed by the permittee, his agents, representatives, or employees. Except where otherwise specified in this ordinance, insurance shall be provided in an amount to be determined by the city manager. Insurance is to be placed with insurers authorized to do business in the state and acceptable to the city. This may not apply for infrequent use; however, a one-time special event shall be subject to this requirement. For the purpose of this ordinance, the term "organized activity" shall apply to sporting events and competitions, special events, exhibitions or shows, concerts, performances, camps, fairs, programs and other such activities involving the assembly of fifty (50) or more participants, spectators or other persons at any city park or facility for a common purpose under the direction and control of a person or group of persons. The city manager is authorized to waive the requirement for liability insurance when the applicant for a use permit is a regular user of the facility or an established not-for-profit group with no history of misuse of the facility. The city manager is also authorized to require liability insurance for an activity when not specifically required above if, in his opinion, the activity represents a significant risk to the city.

(b) The certificate of insurance, naming the city as the additional insured along with an endorsement, is to be submitted prior to permit authorization or execution of a negotiated use agreement. A 30-day written notice of cancellation clause is required.

(c) Where insurance is determined to be required for a particular use of a city facility or a one-time special event, the city is authorized to provide insurance for that use or event through the city's insurance provider as an alternative to the private purchase of such insurance. The person or organization requesting the permit will be required to reimburse the city for the cost of such insurance prior to issuance of the permit.

(Ord. No. 2006-48, § 1, 12-19-06)

Division 4. Use Permits—Parks

§ 18-121. Picnic shelters.

Reservations for picnic shelters or park pavilions and the appurtenances thereto must be obtained in advance and must be for a specific time and duration for each such facility and shall be subject to the conditions and provisions contained in the use permit. Applications for reserved use of picnic shelters or park pavilions shall be made on forms provided by the city and in accordance with procedures promulgated by the recreation department. Reservations shall be made no less than forty-eight (48) hours in advance and no more than six (6) months in advance. Use permits shall be issued only after payment of a damage deposit and fees as may be required by section 18-182 of this article.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-122. Special photography.

(a) A permit must be first obtained from the city manager for the making of still or moving pictures that involve the use of special settings, structures or apparatus, or the performance of a cast of persons, whether amateur or professional, or the posing of professional models. Reservations shall be made no less than forty-five (45) days in advance and no more than six (6) months in advance. Filming for commercial purposes will require special event approval by the city commission if such filming will, in the opinion of the city manager, require a significant amount of city services or closure of any city street. The city manager may waive all or a portion of the advance reservation requirement if the filming will entail no unusual, extraordinary or burdensome expense for supervision, maintenance, cleanup or police protection by the city.

(b) A permit for special photography on city park property shall be granted only when such activities will be in full compliance with all laws and regulations of the United States, the state, the county and the city, and will in no way interfere with the normal use of park facilities by the general public. The provisions of this section do not in any way restrict the use of cameras, whether by amateur photographers or professionals who are not using such settings, scenery, casts or models.

(c) Bona fide newspaper press, association, newsreel or television news department personnel advertised by press cards or press papers and assigned by their representative editors to make photographs for use of their respective communication 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 of America.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-123. Public demonstrations, meetings and other public assemblies.

(a) No band procession, military company or any company or group with flags, banners and transparencies shall be allowed upon any park or parkway or within any park without a permit issued by the city manager or his designee. Such permits shall clearly define the nature of the activity and the limit of its scope and time, and shall set forth such other restrictions and requirements as the city manager or his designee may deem necessary. Applications for permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no more than six (6) months in advance.

(b) No entertainment, concert, exhibition or performance by any musical, theatrical or circus group shall be given in any park or recreation area and no electronic microphones or amplifying devices shall be used in connection therewith, except in accordance with a special event permit approved by the city manager in accordance with Lake Wales Chapter 14. Applications for special event permits shall be submitted no less than forty-five (45) days in advance of the date of the activity and no more than six (6) months in advance.

(c) No public meeting of any kind, or any public speaking by any person, representative of any political party, social group or society, official aspirant, organized church, religious sect, or other public assemblage shall be held in any park, parkway, playground or other recreational area without a permit issued by the city manager. Applications for permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no more than six (6) months in advance.

(d) No person will perform any acrobatic act or feat, dance or gyrations, or make any display or exhibit or carry on any performances or do anything that will cause numbers of persons to congregate to the interference or obstruction of traffic or to other proper use of a park or recreational area under any circumstances.

(e) No person shall initiate, sponsor, organize, promote, conduct or advertise a public assembly to be gathered in a park or recreational area unless a permit has been obtained from the city manager. A separate permit shall be required for each such assembly and the period of time for which applicable shall be clearly stated.

(Ord. No. 2006-48, § 1, 12-19-06)

Division 5. Use Permits—Recreation Facilities

§ 18-130. Recreation facility defined.

For the purpose of this article, *recreation facility* means a building, structure, field, court, or park which has organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play. Recreation facilities include, but are not limited to, ballfields, tennis courts, shuffleboard courts, playgrounds and the Albert Kirkland Sr. Gymnasium.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-131. Negotiated agreements for recurring use.

Nothing in this article shall prohibit the city from entering into a negotiated agreement with any person or organization for recurring use of a city recreation facility in return for renovation or maintenance of the facility, provision of a particular recreation program, or similar consideration. Such agreements shall require the approval of the city commission.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-132. Permit required for reserved use.

Except as provided in section 18-131, reserved use of recreation facilities shall require obtaining a use permit in accordance with division 3 of this article. Applications for use permits shall be submitted no less than two (2) weeks in advance of the date of the activity and no more than six (6) months in advance.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-133. Prohibited activities.

(a) No act prohibited by section 18-82 of this article shall be permitted in city recreation facilities, including the sale or consumption of alcoholic beverages.

(b) No person shall conduct or participate in any sport or in any organized athletic activities within any recreation area other than in such areas as may be designated for such sports, games or athletic activities, or in any areas where the city has posted signs prohibiting such activities.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-134. Sales and commercial uses.

Authorized user groups which desire to use concession stands or other facilities for fund raising purposes shall be allowed to do so subject to policies and fee requirements contained herein. Proposed uses which are determined by the city to be solely a commercial undertaking and without educational, recreational or cultural benefit to the community shall not be allowed on the premises of public facilities.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-135. Closure of facilities.

The city manager may close any park, field, or other recreation area or facility when such an area or facility needs to be reconstructed, renovated, refurbished, repaired or maintained, or the area or facility needs to be closed because of a hazardous condition that poses potential danger to citizens or city employees.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-136. Denial of facility use.

The city shall have the authority, based on cause, to deny use of all or any portion of a facility to any group or individual who has abused the privilege of facility use, including failure to comply with the general policies and rules governing the use of city parks and recreation facilities.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-137. League use.

(a) *General usage requirements.*

(1) Leagues shall sign a facility usage agreement on a form provided by the city incorporating the provisions of this section. Said agreement shall be valid for a single season, and a new agreement shall be executed before the start of each season.

(2) The league shall provide a league representative and alternate representative to act as a liaison with the city. Designated representatives shall serve for a full season.

(3) The league will submit a typed list with the names, addresses, and phone numbers of all board members before the start of the current season.

(4) During the term of the facility usage agreement, the league, at its own expense, shall keep in force comprehensive liability insurance from an insurance company licensed in the State of Florida and acceptable to the city. Insurance shall be provided with a minimum limit of one million dollars (\$1,000,000.00) per occurrence combined single limit to include: Premises operations, independent contractors, products, completed operations, broad form contractual, and personal injury. A certificate of insurance, naming the City of Lake Wales as an additional insured, along with an endorsement, shall be submitted to the city for approval no later than fifteen (15) calendar days prior to the initial use covered in the facility usage agreement. A 30-day written notice of cancellation is required.

(5) A board member representing the league shall be present at all league activities on city facilities. The representative shall maintain control of coaches, referees, participants, spectators, lights and cleanliness of facility.

(6) The league shall provide all staff and equipment essential to the proper operation of the program.

(b) *Maintenance and repair of facilities.*

(1) The city is responsible for the general maintenance of all electrical, plumbing, potable water and structural related repairs at each facility. The league shall not be authorized to perform any repairs without the express permission of the city.

(2) Damaged city property or city property in need of repair shall be immediately reported to the city.

(3) The league shall be responsible for the maintenance inspection of field safety prior to use by any individual participant or coach. Responsibilities include, but are not limited to:

- a. Maintenance and operation of scoreboards.
- b. Placing of debris in proper containers after each event.
- c. Keeping restrooms free of litter.

(4) Any and all authorized improvements made to the buildings or property become the property of the City of Lake Wales.

(c) *Concessions.*

(1) The league shall obtain certification as required by the department of health and rehabilitative services for the operation of the concession stand. All certificates shall be posted in a conspicuous location in the concession building. A copy of certificate shall be forwarded to the city for file purposes.

(2) The league will provide and assure certification of a concessions manager to monitor food preparation, protection and health practices. A copy of the certificate shall be forwarded to the city for file purposes.

(3) The city shall inspect and approve all electrical appliances used by the league for electrical safety. Appliances discovered to be substandard or found to be violating standards or codes shall be removed to reduce liability. Repaired appliances may be used upon inspection and approval of the city.

(4) The league shall be responsible for the overall cleaning and operation of concession stands.

(Ord. No. 2007-46, § 1, 9-18-07; Ord. No. 2012-24, § 1, 12-4-12)

§ 18-138. League Background Checks

Effective: Tuesday, April 19, 2022

(a) General Background Check Requirements

(1) Applicability

(a) The provision in this section shall apply to any coach, assistant coach, or other person who has or may have contact with any participating minor, hereinafter “applicable person,” within an organization seeking use of any City-owned facility, on a regular basis, that provides recreational or educational activities for minor children, hereinafter “requesting organization.” Use on a “regular basis” shall be evidenced by a contract for use or a pattern performed by the requesting organization. The characterization of a “regular basis” shall be made at the discretion of the Recreation Director / Manager.

(b) The requirements contained herein shall apply whether the coach/other personnel are paid staff or unpaid volunteers.

(2) Requirement for Background Check

(a) As of the effective date of this policy, prior approval for the use of any City-owned facility, all requesting organizations shall submit to the City’s Recreation Department evidence of completion of the required background checks for all applicable persons. The required background checks shall be conducted, with the responsibility of the cost to be borne by the requesting organization.

(b) The requesting organization shall be required to provide evidence annually and must update it as any new applicable person is brought into the organization.

(3) Criteria for Background Checks

(a) Background checks shall include a search for arrests for all of the following:

- (i) All Sex Offenses
- (ii) Violent Felonies
- (iii) Violent Misdemeanors (includes Domestic Violence and Battery Offenses) (within the last 10 years.)
- (iv) Misdemeanor or Felony Drug offenses including sale, delivery, and distribution
- (v) Misdemeanors related to children

(4) Exclusion from Coaching or Supervising Minors

(a) A conviction or a plea of Guilty or No Contest (regardless of adjudication) for the following offenses:

- (i) All Sex Offenses
- (ii) Violent Felonies
- (iii) Violent Misdemeanors (includes Domestic Violence and Battery Offenses) (within the last 10 years.)
- (iv) Misdemeanor or Felony Drug offenses including sale, delivery, and distribution
- (v) Misdemeanors related to children Shall make the applicable person ineligible to coach or have any other official contact with participating minors through the requesting organization at a City-owned facility. If an arrest for any of the above offenses has been evidenced in the background check, the records must clearly indicate that there was no conviction and/or no plea of Guilty or No Contest for the offense (or lesser applicable offense) for which the arrest was made. Requesting organizations shall be responsible for ensuring that ineligible candidates do not participate in the coaching and/or supervision of minor children within the organization’s programs.

*Other charges and cases may be considered on a case-by-case basis.

(5) Penalties

(a) Failure to comply with the requirement to conduct background checks or to exclude ineligible persons from coaching or having contact with participating minors, shall preclude the requesting organization from using any City-owned facility.

(b) Severability

(1) If any section or portion of a section or subsection of this chapter proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other section or portion of a section or subsection or part of this chapter.

(c) Conflicts

(1) All City policies conflict herewith are hereby repealed.

(Ord. No. 2022-10, § 1, 4-19-22)

Division 6. Use Permits—Community Facilities

§ 18-160. Community facility defined.

For the purpose of this article, *community facility* means a building owned, leased or otherwise controlled by the city which is open to the public for reserved use.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-161. Negotiated agreements for recurring use.

Nothing in this article shall prohibit the city from entering into a negotiated agreement with any person or organization for recurring use of a community building facility in return for renovation or maintenance of the facility, provision of a particular program, or similar consideration. Such agreements shall require the approval of the city commission and shall constitute a permit for use of the facility.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-162. Permit and rental fees required for reserved use.

Reserved use of community facilities shall require obtaining a use permit in accordance with division 3 of this article and payment of fees in accordance with section 18-103 and section 18-182.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-163. City sponsored uses.

Any use of city facilities scheduled for city sponsored or co-sponsored uses shall be deemed a use for city purposes, and shall be exempt from fees, deposits and permit requirements listed herein. Such determination shall be made by the city manager.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-164. Uses for which community facilities may be reserved.

(a) The following facilities may be reserved for the following uses on a space-available basis

- (1) James P. Austin Community Center
- (2) Tourist Club
- (3) Lake Wales Public Library Schoenoff Meeting Room

(b) The facilities listed in paragraph (a) may be reserved for the following purposes:

- (1) Meetings or other non-profit activities of civic, educational or community service groups.
- (2) Governmental groups.
- (3) Meetings of professional associations.
- (4) Political activities as provided in section 18-167
- (5) Limited membership groups, such as denominational groups, partisan political groups and labor organizations will not normally be permitted to use community facilities on a regular basis, but may apply in writing to the city manager for permission to use a facility for special occasions.

(c) In addition to uses permitted in paragraph (b), the meeting room in the Lake Wales Public Library and the Tourist Club may be reserved for small private social gatherings.

(d) In addition to uses permitted in paragraph (b), the James P. Austin Community Center may be reserved for small or large social gatherings such as weddings, dances, etc.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-165. Use of community facilities for commercial purposes prohibited.

(a) No person shall practice, carry on, conduct or solicit for any occupation, business, or profession in any community building; or sell or offer for sale any food, beverage, merchandise, article, or anything whatsoever in any community building. This prohibition does not apply to a non-profit organization charging a fee to attend an annual banquet, fund-raising event, or similar activity.

(b) All programs must be open to the public at no charge. Requests by non-profit educational groups or institutions desiring to use community facilities for short-term classes, institutes, discussion groups and forums which involve small fees will be examined on an individual basis. Nothing may be sold to the public in a community building.

(c) No person shall distribute, post, place or erect any advertising, handbill, circular, bill, notice, placard, paper, business card, or other advertisement device of a commercial nature in any community building. Publicity posters or flyers for community events sponsored by non-profit civic, educational or community service groups may be displayed on a bulletin board or other surface designated for such posters or flyers.

(d) This section shall not apply to any person acting pursuant to a contract with the city for conducting a city-sponsored program or class for which a fee may be charged or pursuant to a special event permit granted by the city manager or city commission.

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2007-12, § 1, 5-1-07)

§ 18-166. Use of community facilities for political activities.

Political activities shall be permitted within community facilities as set forth in this section.

(1) Political activities which are open forum activities where all candidates for a particular office or group of offices are invited to participate on equal terms and where the public is invited to attend.

(2) Organizational and business meetings of political activity committees, political committees and similar organizations which have not been formed to elect a single public officer or a group of public officers.

(3) With respect to political activities which involve all the candidates for a particular office or group of offices, equal time will be given to each candidate attending such activity.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-167. General rules and regulations for reserved use of community facilities.

(a) *Reservations/Application.*

(1) Facilities may be reserved for use between the hours of 8 a.m. and 12:00 midnight.

(2) Community facilities may be reserved and used on a specific date for a specific period of time upon submittal of an application on a form provided by the city in accordance with section 18-102 of this article. Such application shall be filed with the city employee responsible for coordinating use of the facility as follows:

A. Applications for use of the library meeting room shall be filed with the library director in accordance with procedures provided by the library director.

B. Applications for use of community facilities other than the library shall be filed with such designee as may be provided from time to time and recorded in written procedures for reservation of the facility.

(3) All fees must be paid prior to use of the facility. If paid by check, all fees are payable in full no later than fourteen days prior to the event. Cash payment will be required if fees are paid less than fourteen days prior to the event.

(4) A reservation fee shall be charged at the time the facility is reserved that will roll over into a damage deposit at the time of the event and be refunded if there is no damage and the facility has been satisfactorily cleaned up after its use. The balance of the fee must be paid no later than fourteen days prior to use of the facility. Fees will be paid for reservation of community facilities in accordance with section 18-182 and section 18-103 of this article. A use permit shall not be issued if all required fees have not been paid.

(5) Reservations shall be made no less than forty-eight (48) hours in advance and no more than six (6) months in advance for a community facility that will be reserved for use during normal operating hours of the facility except that any group requesting use of the library meeting room shall make a reservation in accordance with procedures provided by the library director.

(6) Reservations shall be made no less than one (1) week in advance and no more than six (6) months in advance for a community facility that will be reserved for use outside of normal operating hours of the facility except as follows:

A. Any group requiring use of the James P. Austin Community Center where such use will involve the consumption of alcoholic beverages shall submit an application no less than two (2) weeks in advance of the date for which it will be reserved.

B. Any group requiring use of any community facility for an activity that requires the provision of liability insurance shall submit an application no less than two (2) weeks in advance of the date for which it will be reserved.

C. Any group requesting use of the library meeting room shall make a reservation in accordance with procedures provided by the library director.

(7) Use of the James P. Austin Community Center outside of normal operating hours for each facility shall require the presence of at least one (1) city employee to supervise the use of building. At the discretion of the City Manager or his designee, use of the Tourist Club may require the presence of at least one (1) supervisory employee.

A. The cost of the employee shall be paid by the person or group reserving the facility, and the hourly rate to be charged shall be calculated as follows: the employee's current hourly rate multiplied by 1.5 (time-and-one-half) plus the cost of the city's FICA and pension contribution.

B. The city manager is authorized to waive the requirement for a supervisory employee when the applicant for a use permit is a regular user of the facility or an established not-for-profit group with no history of misuse of the facility.

(8) Reservations shall be made by written application except for reservations of the library meeting room which may be made by phone.

(9) All applicants must be 21 years of age or older and must be present throughout the entire use of the facility.

(10) Reservation of the facility is normally limited to one reservation per month by any one group. Exceptions may be approved by the city employee responsible for coordinating use of the facility on a space available basis.

(11) Rental hours must include time needed for delivery of supplies, set-up of tables and chairs and cleanup.

(12) The city reserves the right to deny any facility use request in accordance with standards for issuance of permits as provided in section 18-104 of this article.

(b) *Alcoholic beverages.* Alcoholic beverages are prohibited in all community facilities except the James P. Austin Community Center. Consumption of alcoholic beverages in the community center will be permitted only with the following conditions:

(1) Fees shall be paid to the city for provision of a minimum of two (2) law enforcement officers for the duration of the event except as follows:

A. The following uses are exempt from the requirement for law enforcement officers when alcoholic beverages are consumed during an event:

- i. Dinners, lunches, brunches, etc.
- ii. Repasts following a funeral or memorial service

B. The following uses are required to provide one (1) law enforcement officer when alcoholic beverages are consumed during an event:

- i. Wedding receptions
- ii. School reunions
- iii. Family reunions
- iv. Annual barbeques, get-togethers, etc

The city manager is authorized to waive the requirement for a law enforcement officer when the applicant for a use permit is a regular user of the facility or an established not-for-profit group with no history of misuse of the facility.

C. For uses not included in paragraph A. and B. of this section, the city manager may require more than two (2) law enforcement officers when alcohol will be consumed if, in his sole discretion, the event warrants additional security measures.

D. In lieu of paying fees to the city for the provision of law enforcement officers, the sponsor of the event may, with the prior approval of the city manager and the police chief, provide private security for the event.

(2) Consumption of alcoholic beverages shall be prohibited at events where minor children are present except as provided in sub-paragraph (1)A. of this paragraph or at a wedding reception where a champagne toast is served. Violations shall result in closure of the event and loss of deposit.

(3) Consumption of alcoholic beverages shall not be permitted in parking lots or other outside areas.

(4) If a permit is issued for a non-alcoholic event and alcohol is found on the premises, the police will shut down the event and no deposit will be refunded. The term *on the premises* shall include parking lots and all surrounding exterior public property.

(5) If an event is shut down by the police for any reason, the clean-up/damage deposit will be forfeited.

(c) *Smoking*. Smoking is prohibited inside any community facility or outdoors near the entrance to any community facility.

(d) *Food and drink*. Food and drink are permitted only in areas designated for that purpose in any community facility, and such areas shall be identified in written policies promulgated for use of the facility.

(e) *Supervision of minors*. Adults must supervise groups composed of minors in a ratio of one adult to every five minors. Adult supervisors shall be named on the permit application.

(f) *Use of facility equipment*.

(1) The city may charge a fee for the rental of equipment including tables and chairs.

(2) The permittee is responsible for arranging tables and chairs for their specific purpose and returning the tables and chairs to their stored or original location/configuration. Tables and chairs are to be used indoors only and only for the specific use for which they are intended. At no time should anyone stand on tables or chairs or sit on tables. Any need for tables and chairs in excess of what is available at a particular facility shall be provided by the permittee.

(3) Use of equipment that is available for reservation in a specific facility shall be reserved when the application is filed. A list of equipment available for reservation will be provided with written procedures for the reservation of that facility. The city may charge a fee for the rental of equipment.

(4) All equipment and materials not belonging to the city must be removed at the end of each scheduled use. There are no facilities available for storage of equipment or materials used for meetings.

(g) Use of decorations.

(1) In facilities where reservations for social events are permitted, any decorating, or covering of, or changes to the facilities shall be discussed at the time of application. The permittee shall be responsible for putting up any decorations and all other special preparations necessary for the function. All decorations shall be removed at the conclusion of the function. Permittee shall be responsible for the removal of all decorations, special preparations, and permittee's personal property, owned or rented.

(2) All decorations must be flameproof or fire retardant.

(3) All decorations must be applied with masking tape. The use of cellophane adhesive tape, nails, staples, screws, etc. is not allowed on walls or ceilings. Staples and pushpins are allowed only on tackstrips and bulletin boards. All tape and string must be removed from all surfaces and equipment at the conclusion of the event.

(4) Decorations may not be hung from light fixtures, ceiling, heat detectors, emergency lights, or acoustical wall/ceiling tiles. Decorations may not be applied to wood floors.

(5) All plants, trees and shrubs must be in waterproof containers and must be carefully placed so as not to damage floors or tables or block exits.

(6) No open flames, such as lighted candles, are allowed.

(7) No foreign substance may be applied to the floor.

(8) No rice, birdseed, confetti, etc. is permitted in the facilities or on surrounding sidewalks and parking lots.

(h) Liability for damage to facility/Requirement for insurance.

(1) The permittee shall be responsible for any all damage to the facility premises and property therein and shall be responsible for all actions, behavior and damages caused by their guests or attendees.

(2) The city is not responsible for accidents, injury, illness or loss of group or individual property.

(3) Prior to issuance of the permit, all approved applicants shall execute a Hold Harmless/Indemnification Agreement releasing the City of Lake Wales of all liability from activities conducted in community facilities.

(4) If, in the sole discretion of the city manager, the use of a community facility involves significant risk of loss to the city, the permittee shall be required to provide satisfactory evidence of liability insurance naming the City of Lake Wales as additional insured in accordance with section 18-111 of this article.

(i) *Cancellations/Refunds.* In the event that cancellation of an approved reservation is necessary, the cancellation and refund of any fees already paid will be handled in accordance with section 18-103 of this article.

(j) *Clean-up/Damage deposits.* All reserved use of a community facility shall require a clean-up/damage deposit. An inspection of the facility shall be conducted with the permittee prior to the reserved use. Any costs incurred by the city to restore the facility to its condition prior to the use, including the cost of labor to clean or repair the facility, shall be deducted from the deposit. The permittee shall be required to reimburse the city for repair and clean-up costs in excess of the deposit. Clean-up/Damage deposits will be fully reimbursed within 30 days of the use if cleanup is acceptable and no damage is noted to the facility, equipment or furnishings.

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2010-01, § 1. 1-19-10)

§ 18-168. Closure of community facilities.

(a) The city manager may close any community facility when such facility needs to be reconstructed, renovated, refurbished, repaired or maintained, or when the facility needs to be closed because of a hazardous condition that poses potential danger to citizens or city employees.

(b) Community facilities will be closed for private rentals on the following holidays:

- (1) New Year's Day
- (2) Martin Luther King Birthday
- (3) Easter
- (4) Mother's Day
- (5) Father's Day
- (6) Independence Day
- (7) Labor Day
- (8) Thanksgiving Day
- (9) Christmas Day

(c) Community facilities will be closed during the following special events:

- (1) Mardi Gras
- (2) Pioneer Days weekend

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-169. Rules for use of specific community facilities.

In addition to enforcement of general rules provided by sections 18-82 and 18-167, the city manager or his designee may prescribe reasonable rules for enforcement in specific community facilities. All such rules shall supplement and be consistent with rules provided by this article. All specific rules shall be posted in a conspicuous place at the facility where the rules apply.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-170. Endorsement not implied.

The fact that a group is permitted to meet in a community facility does not constitute an endorsement of the group's policies or beliefs by the City of Lake Wales.

(Ord. No. 2006-48, § 1, 12-19-06)

Division 7. Fees For Reserved Use Of City Parks And Facilities

§ 18-181. Fees for reserved use of city parks and facilities authorized.

(a) In accordance with section 7.02 of the Lake Wales City Charter, the city commission hereby establishes fees and charges for reserved use of city parks and facilities. Such fees may be amended from time to time by adoption of an ordinance of the city commission.

(b) The city manager is authorized to require reimbursement of actual costs incurred by the city for cleanup of the premises, damage repair and provision of insurance coverage under the city's insurance policy.

(Ord. No. 2006-48, § 1, 12-19-06)

§ 18-182. Schedule of fees for reserved use.

The schedule of fees established by this section shall be automatically adjusted annually to reflect an increase based on June's annual CPI or two and one-half (2.5) percent, whichever is greater, without further need for commission action.

| LW Library Schoenoff Meeting Room | Residents | Non-Residents |
|--|---|---------------|
| Non-profit organizations in possession of a valid proof of non-profit status | No Charge | Same |
| Library sponsored programs | No Charge | Same |
| Other organizations or events | \$60.00 for 1st hr \$18.00 each add'l hr | Same |
| Deposit | none required | Same |
| Lost key charge | \$6.00 | Same |
| Clean-up charge | \$60.00 | Same |

For the purpose of assessing fees for use of the following facilities, customers of the city's water utility shall be included as residents.

| <i>James P. Austin Community Center</i> | <i>Residents</i> | <i>Other</i> |
|--|------------------|--------------|
| City or other government sponsored programs | No Charge | Same |
| Civic, educational or community service groups (meetings, programs, etc) | No Charge | Same |

| | | |
|--|---|------------------------------------|
| Non-profit organizations in possession of a valid proof of non-profit status (meetings, programs, etc) | No Charge | Same |
| Other organizations (meetings, programs, etc) | \$121.25 | \$262.50 |
| Social events (all groups) | \$121.25 | \$525.25 |
| Weekend and after-hours staff charge | \$15.50/hr | \$15.50/hr |
| Staff Requirement if alcohol will be consumed on premises | 2 police officers @ \$35.00 per h.r per officer | Same |
| Kitchen rental (if kitchen is to be used for cooking) | \$60.50 | \$157.50 |
| Clean-up/Damage Deposit | \$152.00 | \$525.25 |
| <i>Tourist Club</i> | <i>Residents</i> | <i>Other</i> |
| City or other government sponsored programs | No Charge | Same |
| Civic, educational or community service groups (meetings, programs, etc) | No Charge | Same |
| Non-profit organizations in possession of a valid proof of non-profit status (meetings, programs, etc) | No Charge | Same |
| Other organizations (meetings, programs, etc) | \$60.00 | \$262.50 |
| Social events (all groups) | \$60.00 | \$262.50 |
| Weekend and after-hours staff charge | No Charge | \$15.50/hr |
| Lost key deposit | \$6.00 | Same |
| Clean-up/Damage Deposit | \$91.00 | \$315.25 |
| <i>Parks & Recreation Facilities</i> | <i>Residents</i> | <i>Other</i> |
| Picnic Shelters/Park Pavilions | \$6.00 per hr | \$20.50/hr |
| Albert Kirkland Sr. Gymnasium | not available for private reservation | Same |
| Sports fields (per field) | \$18.00 per hr or \$60.00 per day | \$31.50 per hr or \$157.50 per day |
| Sports fields—Preparation and lining (per field) | \$25.00 | Same |
| Sports fields—Evening lighting (per rental) | \$15.00 | Same |
| Sports fields—Weekend and after-hours staff charge (per rental) | \$15.50 | Same |
| Basketball courts (per court) | not available for private reservation | Same |
| Tennis courts | not available for private reservation | Same |
| Shuffleboard courts | Not available for private reservation | Same |
| Concession stand rental | \$60.00 | \$157.50 |
| Clean-up/Damage Deposit—Park | \$27.50 | \$105.00 |
| Clean-up/Damage Deposit—Field | \$60.00 | \$105.00 |
| Clean-up/Damage Deposit—Concession Stand | \$60.00 | \$105.00 |

(Ord. No. 2006-48, § 1, 12-19-06; Ord. No. 2009-10, § 1, 4-9-09; Ord. No. 2010-24, § 1, 10-19-10)