

**GOLDEN BEACH, FLORIDA**

**Amended  
4/21/98**

**ORDINANCE NO. 433.98**

AN ORDINANCE OF THE TOWN COUNCIL OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 22, PARKS AND RECREATION OF THE TOWN CODE; PROVIDING FOR A NON RESIDENT USER FEE FOR TWEDDLE PARK; PROVIDING ADDITIONAL DEFINITIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Town Council desires to establish a user fee for Non Resident users of Tweddle Park to contribute to park maintenance, operation and administration, as permitted by law,

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:**

**Section 1.** That Chapter 22, Parks and Recreation, of the Golden Beach Town Code is hereby amended to provide as follows:

**“CHAPTER 22. PARKS AND RECREATION**

**ARTICLE I. IN GENERAL**

**Sec. 22-1. Definitions.**

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Minor means a person who has not yet reached his/her eighteenth birthday.

Child means a person who has not yet reached their thirteenth birthday.

Non Resident means a person who is neither a Resident nor a Visitor of a Resident .

Resident means a person whose permanent residence is in the Town. Residency is evidenced by ownership of a house or property within the Town, or a lease of at least twelve three months of a house within the Town, or a member of the immediate family and household of an owner or tenant of a house within the Town.

Visitor means a person, whether a minor or an adult or child, who is the guest of a Resident and is in the immediate company of the Resident while visiting the Park.

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**ARTICLE III. RULES AND REGULATIONS**

**Sec. 22-56. Temporary closing and exclusion of public.**

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**Sec. 22-79. Park Fees. Additional rules.**

(A) A fee is hereby established for the use of Tweddle Park. Payment of the fee entitles a ~~the~~ Town Non Resident to unlimited access to the facilities of Tweddle Park for the calendar day, week or month as indicated herein. Town Non Residents shall be subject to the tennis or basketball court reservation regulations provided in Section 22-76, at no additional charge.

(B) Residents (adults and minors) and their visitors guests (not to exceed five (5) additional individuals per resident) shall be charged no additional fee for the usage of Tweddle Park.

(C) The non-resident park user fees are:

1. Daily charge:	\$	per adult;	\$	per child.
2. Weekly charge:	\$	per adult;	\$	per child.
3. Monthly charge:	\$	per adult;	\$	per child.

(D) Parking at Tweddle Park for non-residents is only available to those who pay the park user fee, and may only be in the designated non-resident parking spaces. The non-resident park parking fees shall be \$1.00 per hour with meter enforcement.

(E) The Town Manager shall institute the procedure for collection and enforcement of funds collected for park fees shall be accounted for by the Town and spent on park maintenance, operation and administration.

(F) The amounts of the fees provided in this section may be established and altered by resolution of the Town Council.

**Sec. 22-80. Additional rules.**

The Town Council, by resolution, may adopt additional rules governing the use of parks and Recreational Facilities owned, leased or operated by the Town, which may include, but are not limited to the use of supplies and equipment, the

charge and payment of fees, the hours of operation, the use and parking of vehicles, the conduct and overall safety of Persons within Parks and the general use of Park and Recreational Facilities for each such Park and Recreational Facility as may be necessary."

**Section 2. Conflict** That all ordinances or parts of ordinances, all Town Code sections or parts of Town Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby superseded to the extent of such conflict.

**Section 3. Severability** That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Ordinance but they shall remain in effect, notwithstanding the invalidity of any part.

**Section 4. Inclusion In The Code.** That it is the intention of the Town Council, and it is hereby ordained that the provisions of this Ordinance, shall become and be made a part of the Code of the Town of Golden Beach; that the sections of the Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Effective Date.** That this Ordinance shall become effective immediately upon its adoption on second reading.

The Motion to adopt the foregoing Ordinance on first reading was offered by Councilmember Chikovsky, seconded by Vice Mayor Addicott and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Aye</u>
Councilmember Chikovsky	<u>Aye</u>
Councilmember Fistel	<u>Aye</u>
Councilmember Rodriguez	<u>Aye</u>

The Motion to adopt the foregoing Ordinance on second reading was offered by Vice Mayor Addicott, seconded by Councilmember Chikovsky and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Addicott	<u>Aye</u>
Councilmember Chikovsky	<u>Aye</u>
Councilmember Fistel	<u>Aye</u>
Councilmember Rodriguez	<u>Aye</u>

**PASSED AND ADOPTED** on second reading this 21st day of April, 1998.

ATTEST:

  
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ROBERT "SKIP" JOHNSTON  
INTERIM TOWN CLERK

  
\_\_\_\_\_  
MAYOR JUDY CUENCA

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
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JON M. HENNING  
TOWN ATTORNEY