

TOWN OF GOLDEN BEACH, FLORIDA

ORDINANCE NO. 568.16

AN ORDINANCE OF THE TOWN OF GOLDEN BEACH, FLORIDA, AMENDING CHAPTER 22, "PARKS AND RECREATION," TO DESIGNATE JOHN TWEDDLE PARK FOR USE ONLY BY TOWN RESIDENTS AND THEIR GUESTS AND REVISE THE RULES AND REGULATIONS FOR PARKS; PROVIDING FOR IMPLEMENTATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Golden Beach ("Town Council") finds it periodically necessary to amend its Code of Ordinances ("Code") in order to update regulations and procedures to implement municipal goals and objectives; and

WHEREAS, the Town has approximately 5.18 acres of park or open space land located in nine (9) existing parks and/or open space areas; and

WHEREAS, John Tweddle Park ("Tweddle Park" or the "Park"), at approximately 2.24 acres, is the largest park in the Town and offers the most structured activities to the Town's residents; and

WHEREAS, Tweddle Park currently includes a large tot lot, two (2) tennis courts, a basketball court, and a pavilion that can be reserved for special occasions; and

WHEREAS, Tweddle Park is the only park available to residents of the Town providing specialized court activities; and

WHEREAS, the remaining 2.94 acres of Town parkland is comprised of eight (8) separate small parks most of which offer limited to no active recreation space; and

WHEREAS, maintaining adequate levels of service requires not only the existence of park and recreation facilities, but more importantly, the availability of those resources for use by the Residents of Golden Beach; and

WHEREAS, Recreation and Open Space Element Objective 1.2 of the Town Comprehensive Plan requires that access to Town parks should be restricted to Town residents; and

WHEREAS, Recreation and Open Space Element Policy 1.2.1 of the Town's Comprehensive Plan provides that the Town shall adopt and enforce regulations governing access to all Town-owned parks; and

WHEREAS, the Town Council finds that usage of Tweddle Park by non-residents has increased over time unacceptably reducing utilization and reservation availability to Town residents; and

WHEREAS, the Town Council finds that restricting access to Tweddle Park to Residents of the Town, their families and guests is necessary in order to maintain adequate park access for Town residents consistent with the Town's goals to provide adequate park and recreation levels of service; and

WHEREAS, the Florida Statutes were amended in 1987 to address the regulation of ammunition and firearms throughout the state and pre-empt the regulation of that field to the State; and

WHEREAS, the Florida Legislature has, by the adoption of House Bill 45 during the 2011 session, adopted additional penalties and repercussions for the adoption and enforcement of preempted local regulations of firearms, effective October 1, 2011; and

WHEREAS, the Town Council desires to eliminate preempted regulation of firearms in the Town's Park Rules and Regulations; and

WHEREAS, after careful consideration of this matter, the Town Council has determined that it is in the best interests of the Town to approve certain text amendments to the Town's Code.

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

Section 1. Recitals Adopted. Each of the above stated recitals are hereby adopted, confirmed and incorporated herein.

Section 2. Amendment. Chapter 22, Parks and Recreation, of the Town Code is amended by making modifications in the following particulars:

Chapter 22 - PARKS AND RECREATION

ARTICLE I. - IN GENERAL

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Sec. 22-6. - Use of Beach Pavilion/"The Loggia"; and Town beach facilities.

The Beach Pavilion/"The Loggia" (referred to interchangeably) and all related Town beach facilities are for the sole use and enjoyment of the Town residents and accompanied guests. They shall not be used for any commercial activities. The use of the Beach Pavilion and all related facilities shall be regulated and governed by Rules and Regulations for Use of the Beach Pavilion that shall be adopted by Resolution of the Town Council. Said Rules and Regulations for Use of the Beach Pavilion may be amended by the Town Council from time to time and at any time. The Rules and Regulations for Use of the Beach Pavilion may include restrictions on use including, but not limited to, restrictions on hours, noise, permitted activities, usage fees, and lifeguard requirements. The Rules and

Regulations for Use of the Beach Pavilion may also contain restrictions and conditions upon granting a permit for the exclusive use of the Beach Pavilion.

Sec. 22-7. – Use of Tweddle Park.

John Tweddle Park (“Tweddle Park” or “Park” for purposes of this Section) is for the sole use and enjoyment of the residents of the Town, their families and their accompanied guests. The Park shall not be used for any commercial activities and shall not be open to any non-resident except as an invited guest of a Town resident.

- (1) In addition to the provisions of this Chapter, the Town Council may, by Resolution, adopt Rules and Regulations for use of Tweddle Park.
- (2) The Town Manager shall have the authority to establish and implement procedures to verify the Town Residency of users and ensure park usage is limited to Residents of the Town, their families and accompanied guests.
- (3) Residents shall be responsible for the activities of their families and guests.
- (4) Residents shall be in the Park at all times during which their families and guests are in the Park.

Secs. 22-8—22-30. - Reserved.

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ARTICLE III. - RULES AND REGULATIONS

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Sec. 22-71. - Firearms and fireworks.

No Person in any Park or Recreational Facility shall carry, fire or discharge any ~~gun, pistol or firearm, or any~~ rocket, torpedo or other fireworks of any description, without a permit from the Town to discharge in an area designated for such purpose.

* * *

Section 5. Implementation. The Town Clerk and Town Manager are hereby authorized to take any and all action necessary to implement this Ordinance and make it part of the Town Code including re-numbering or re-lettering the code references and ordering.

Section 6. Severability. If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 7. Conflicts. To the extent that this Ordinance conflicts wholly or partially with any existing provision in the Town Code, the terms of this Ordinance shall prevail.

Section 8. Effective Date. This Ordinance shall be effective immediately upon adoption.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Lusskin, seconded by Vice Mayor Rojas, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED on first reading this 19th day of January, 2016.

The Motion to adopt the foregoing Ordinance was offered by Councilmember Einstein, seconded by Councilmember Lusskin, and on roll the following vote ensued:


Mayor Glenn Singer	<u>Aye</u>
Vice-Mayor Amy Isackson-Rojas	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>
Councilmember Judy Lusskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>

PASSED AND ADOPTED on second reading this 23rd day of February, 2016.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY