

Regular Workshop – December 12, 2016  
Agenda Item 14

Agenda Item: Proposed Ordinance 2017-01, Amending Chapter 92, Parks, Public Beaches, And Public Beach Accesses

Presenter: Town Manager and Staff

Summary: With the redevelopment and enhancement of amenities at Bayfront Park in progress, some revisions to the Town Code are necessary which relate to the usage of parks and other public areas.

Ordinance 2017-01 will be presented to the Town Commission for consideration at their December 12, 2016 Regular Workshop Meeting.

Attachments: 12-3-16 Memo, PZB Director to Manager;  
PowerPoint Presentation;  
Proposed Ordinance 2017-01.

**Recommended**

Action: Pending discussion, forward Ordinance 2017-01 to the January 9, 2017 Regular Meeting for first reading.

## MEMORANDUM

**DATE:** December 3, 2016

**TO:** Dave Bullock, Town Manager

**FROM:** Alaina Ray, AICP  
Director, Planning, Zoning and Building Department

**SUBJECT:** Proposed Ordinance 2017-01, Amending Chapter 92, Parks, Public Beaches, And Public Beach Accesses

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With the redevelopment and enhancement of amenities at Bayfront Park in progress, some revisions to the Town Code are necessary which relate to the usage of parks and other public areas. Primarily, concern has been raised as to the potential for commercial vendors of kayaks and other watercraft to use the park and other public places on the island.

Ordinance 2017-01 requires that any commercial vendor that wishes to operate within a public park or other public place must first obtain a Concessionaire Agreement from the Town. This would enable the Town to prohibit and/or limit commercial vendors from utilizing public places for commercial endeavors and to establish specific requirements and parameters upon any such activity or use.

Ordinance 2017-01 also updates the provisions related to Special Events, including establishing an application fee of \$100.00. The application fee is in consideration for staff review of Special Event applications, as they must be reviewed by multiple departments, including Public Works, Fire, and Police. The Ordinance also updates the Special Event provisions to include reimbursement for all public resources utilized for the event.

In addition to the above noted revisions, Ordinance 2017-01 addresses general updates to the existing Code related to Parks and other public places.

This item is placed on the December 12, 2016 Regular Workshop Meeting for Commission consideration.



# Ordinance 2017-01: Parks

Town Commission Regular Workshop  
December 12, 2016



## Commercial Vendors

- Requires that any commercial vendor that wishes to operate within a public park or other public place must first obtain a Concessionaire Agreement from the Town
- Enables the Town to prohibit and/or limit commercial vendors from utilizing public places for commercial endeavors
- Enable Town to establish specific requirements and parameters upon any such activity





## Special Events in Public Places

- Establishes a fee of \$100.00 for Special Event Applications, due to required Staff review
- Includes reimbursement provision for all public resources utilized for a Special Event held in a public place.



**ORDINANCE 2017-01**

**AN ORDINANCE OF THE TOWN OF LONGBOAT KEY, FLORIDA, AMENDING WITHIN TITLE 9 GENERAL REGULATIONS, CHAPTER 92, PARKS, PUBLIC BEACHES, AND PUBLIC BEACH ACCESSES; AMENDING SECTION 92.02, HOURS OF USE FOR TOWN PARKS, PUBLIC BEACHES, AND PUBLIC BEACH AND BAY ACCESSES; AMENDING SECTION 92.04, PETS; AMENDING SECTION 92.05, PROHIBITED ACTIVITIES IN TOWN PARKS, PUBLIC BEACHES, AND PUBLIC BEACH ACCESSES; AMENDING SECTION 92.06, SPECIAL EVENTS ON PUBLIC BEACHES, PARKS, AND PUBLIC PLACES; RENUMBERING SECTION 92.07 TO 92.08, PENALTY, AND ESTABLISHING A NEW SECTION 92.07, COMMERCIAL VENDORS WITHIN, OR ON, TOWN PARKS, PUBLIC BEACHES, PUBLIC BEACH ACCESSES, PUBLIC BAY ACCESSES, AND PUBLIC PLACES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Longboat Key (Town) is a barrier island on the west coast of Florida; and

**WHEREAS**, the Town provides public parks, public beach accesses, public bay accesses, public beaches, and other public places for the enjoyment of the Town's residents and visitors; and

**WHEREAS**, Chapter 92, Sections 92.01 through 92.07, of the Town's Code of Ordinances contains provisions for the protection, operation, and usage of public parks, public beach accesses, public bay accesses, public beaches, and other public places; and

**WHEREAS**, the Town finds it is in the best interest of the public to regulate activities within public parks, public beach accesses, public bay accesses, public beaches, and other public places; and

**WHEREAS**, the Town Commission finds it necessary to revise certain sections within Chapter 92 of the Code of Ordinances to include provisions for the regulation of certain activities within public parks, public beach accesses, public bay accesses, public beaches, and other public places, and

**WHEREAS**, the Town Commission held a workshop on December 12, 2016, to consider proposed revisions to Chapter 92,

**WHEREAS**, on \_\_\_\_\_, 2016, the Town Commission conducted first reading on the proposed Chapter 92 revisions and amendments; and

**WHEREAS**, on \_\_\_\_\_, 2016, the Town Commission conducted a duly noticed public hearing and second reading on the proposed Chapter 92 revisions and amendments and the Town Commission approved the amendments.

**THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, AS FOLLOWS**

SECTION 1. The above recitals are true and correct and are hereby incorporated fully by reference.

SECTION 2. Chapter 92, Parks, Public Beaches, and Public Beach Accesses, is hereby amended as follows:

Chapter 92 - PARKS, PUBLIC BEACHES, AND PUBLIC BEACH AND BAY ACCESSES, AND PUBLIC PLACES

SECTION 3. Chapter 92, Section 92.02(C), is hereby amended as follows:

92.02 - Hours of use for town parks, public beaches, and public beach and bay accesses.

(C) This section shall not apply to authorized personnel and vehicles, meaning all official state, county, and town personnel and vehicles engaged in activities related to carrying out their official duties ~~code enforcement, police and fire protection, and maintenance duties, and sea turtle monitors during sea turtle nesting season.~~

SECTION 4. Chapter 92, Section 92.04, Pets, is hereby amended as follows:

92.04 – Pets and Livestock.

Pets, other than animals certified and utilized for assisting persons with disabilities, and all livestock are prohibited from all town parks, ~~the public beaches~~, any public beach access, and Greer (Beer Can) Island Beach Park, the Sister Keys, Town Islands, White Key, Wake Island, and Whale Key, except where specifically permitted herein. Pets on a suitable dependable lead or leash not longer than eight feet are allowed in the Joan M. Durante Community Park and Bayfront Park. Unleashed dogs are allowed under the supervision of its owner inside the fenced area at the designated dog park located at Bayfront Park, provided all posted dog park regulations are observed. Pet owners shall comply with Section 91.18, Pet excreta, of this Code of Ordinances.

SECTION 5. Chapter 92, Section 92.05, is hereby amended as follows:

92.05 - Prohibited activities in town parks, public places, public beaches, and public beach and bay accesses.

Definitions. For purposes of chapter 92, the following terms, phrases, words and derivations shall have the meaning given herein:

“Concessionaire agreement.” A formal executed contract between the town and a commercial vendor for the purpose of providing goods, services, or activity to the public.

“Public places.” Any publicly owned or controlled property, including but not limited to public parks, public beaches, public beach and bay accesses, rights-of-ways, sidewalks, public parking lots, and public docks, fishing piers and other coastal structures.

In addition to the prohibitions in sections 92.03 and 92.04, no person entering on and using any town park, the public beach seaward of the mean high-water line or seaward of the erosion control line, the public beach and bay accesses, public places, or Greer (Beer Can) Island Beach Park, the Sister Keys, Town Islands, White Key, Wake Island, and Whale Key, shall do any of the following:

SECTION 6. Chapter 92, Section 92.05(B), is hereby amended as follows:

(B) Engage in the activity of skateboarding or rollerblading, except on sidewalks and pedestrian crossings in public rights-of-way;

SECTION 7. Chapter 92, Section 92.05(E), is hereby amended as follows:

(E) Engage in promotional or commercial activities or otherwise hold a special event, as defined in subsection 92.06(A), without first obtaining a special events permit pursuant to Section 92.06, a concessionaire agreement, and/or other applicable permit or license from the Town as required by this Code of Ordinances.

SECTION 8. Chapter 92, Section 92.05(N), is hereby amended as follows:

(N) Use any public beach access for the transportation of mechanical beach cleaning equipment. This prohibition shall not apply to federal, state, or town employees or equipment engaged in activities related to their official duties.

SECTION 9. Chapter 92, Sections 92.06(A) and 92.06(B), is hereby amended as follows:

92.06 - Special events on public beaches, parks, and public places.

(A) Special events. A "special event" means any activity that occurs upon public property or within the jurisdictional limits of the town that will substantially affect the ordinary and customary use of beaches, public streets, rights-of-way, sidewalks, and other public ~~forums~~ places. "Special event" includes any activity that is anticipated to cause a significant increase in the average hourly trips or create significant disruption to the movement of vehicles on any public street within the town, or is anticipated to place significant demand on emergency services or public resources. Special events include, but are not limited to, weddings, birthday parties or celebrations, fairs, tours, grand opening celebrations, races, rallies, parades, arts festivals, concerts, holiday celebrations, bicycle runs, and block parties. Private gatherings that will make no use of a public property other than for lawful parking are excluded. "Garage sales," "lawn sales," "rummage sales," "flea market sales" or any similar casual sales are not "special events" but are regulated elsewhere within this Code. Funeral processions, groups required by law to be so assembled, and pedestrian processions along a route that is restricted to sidewalks that cross streets only at pedestrian crosswalks in accordance with traffic regulations and controls are not included. Special events require a public forum permit as set forth below.

(B) Permit application.

(1) Any person wishing to sponsor a special event shall apply for a public forums permit by filing an application with the town public works department at least 30 calendar days prior to the date on which the event is scheduled to occur, along with a nonrefundable permit fee of \$100.00. Special event uses are to be temporary and otherwise in conformance with other ordinances of the town, including, but not limited to, the Florida Building Code.

(2) The town manager shall make a determination on the public forums permit pursuant to the standards of subsection (F) of this section, once the fully completed application has been reviewed by appropriate agencies, including but not limited to, police, fire, public works, building and planning, finance/risk management, and the applicant has agreed in writing to comply with the terms and conditions of the permit. The town manager or designee's failure to act shall be deemed a denial.

(3) Expenses for fire, police, medical services, parks, and public works crews needed for setup, event coverage and cleanup at for the special event shall be prepaid and shall be the responsibility of the permittee. These expenses shall be based on the anticipated hourly cost of town personnel and shall also include the cost of any anticipated non-personnel resources. The town may also establish a fee schedule for such expenses.

SECTION 10. Chapter 92, Section 92.06(F), is hereby amended as follows:

(F) Indemnification. Prior to the issuance of the public forums permit, the applicant must agree to reimburse the town for any costs incurred by the town in repairing damage to town property occurring in connection with the permitted event. The town manager shall require that the applicant provide proof of adequate insurance to the town where the town manager has imposed conditions based upon police, public safety, or sanitary considerations.

SECTION 11. Chapter 92, Section 92.07, is hereby renumbered to Section 92.08 and a new Section 92.07 is established as follows:

92.07 – Commercial vendors within or on town parks, public beaches, public beach accesses, public bay accesses, and public places.

(A) Commercial vendor. For the purpose of this chapter, “commercial vendor” shall mean any person, firm, company, corporation, or association, or the managing agent or representative of any person firm, company, corporation, or association, who provides or makes available any goods or services to the public.

(B) Within or on town parks, public beaches, public beach accesses, public bay accesses, or other public places, commercial vendors are prohibited from renting or making available to rent, selling, storing, docking, delivering, or retrieving any motorized or non-motorized watercraft, whether or not a financial transaction takes place within or on such town parks, public beaches, public beach accesses, public bay accesses, or public places, unless the commercial vendor has a valid concessionaire agreement with the Town.

(C) Within or on town parks, public beaches, public beach accesses, public bay accesses, or other public places, commercial vendors are prohibited from the sale, rental, display, or solicitation of any product, service, or activity, including the sale of food, unless the commercial vendor has a valid concessionaire agreement with the Town or unless such activity has been approved as part of a Special Event Permit per section 92.06.

(D) Concessionaire agreements shall include conditions, termination provisions, and appeal procedures and shall be in a format provided by the town and approved by the town attorney. The Town Manager shall have the authority to determine the format of the concessionaire agreement and shall have approval and termination authority of any concessionaire agreement.

~~92.07~~ 92.08- Penalty.

(A) Any person, firm, company, corporation, or association, or the managing agent of any person, firm, company, corporation, or association, who violates any provisions of this chapter shall, upon conviction, be fined in a sum not more than \$500.00 or shall be imprisoned for no more than 60 days, with each day of the violation constituting a separate offense.

(B) Alternatively, this chapter may be enforced pursuant to the supplemental code enforcement provisions of chapter 33 of this Code.

SECTION 12. Severability. If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

SECTION 13. Repeal of Ordinances in Conflict. All other ordinances of the Town of Longboat Key, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

SECTION 14. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Longboat Key.

SECTION 15. Effective Date. This Ordinance shall take effect immediately upon its adoption, as provided by law.

Passed on first reading the \_\_\_\_ day of \_\_\_\_\_, 2016.

Adopted on second reading and public hearing the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Terry A. Gans, Mayor

ATTEST:

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Trish Granger, Town Clerk



**End of Agenda Item**