BREVARD COUNTY
PARKS AND RECREATION DEPARTMENT

FEE SCHEDULE
FIXED FEE SCHEDULE
RULES & USE POLICY
ORDINANCE
CHAPTER 78

FEE SCHEDULE

To remain competitive in the current market compared to other local agencies who allow similar activities and events; the Department Director or Assistant Director shall approve negotiated fees, waived fees and direct costs

FEE SCHEDULE
EXHIBIT A

BREVARD COUNTY
PARKS AND RECREATION DEPARTMENT
FEE SCHEDULE

EXHIBIT A

The following schedule of fees is established. Applicable sales and use tax shall apply unless indicated the tax is included in the rate listed in the schedule.

Rental fees are based on the capacity of the event and the category classification of the individual, group and/or organization utilizing the facility. Hourly fees shall be prorated in half-hour increments only, unless a minimum is specified.

The renter is responsible for obtaining all applicable permits, licenses, and insurance and shall comply with all applicable laws and regulations. Direct costs may include, but are not limited to, employee fees, and mileage. Employee fees (based on actual attendance) shall be assessed for any additional employees required over and above that which is normally provided in order to augment existing park resources. This fee shall be payable at $25.00 per hour for each employee utilized or overtime at $37.50 per hour for holidays and when the rental is confirmed with less than 7 calendar days of notice.

The Director or designee may approve a negotiated fee for commercial use plus direct costs allowing the Department to remain competitive in the current market compared to other local agencies who allow commercial activities.

CATEGORY CLASSIFICATIONS

Category I	Sponsored/Co-sponsored	No Charge
Category II	Recreation Partner	50% of rental fee
Category III	Non-Profit/Not for Profit	75% of rental fee
Category IV	Private/Non-commercial	100% of rental fee
Category V	Public Issue Speech	100% of rental fee
Category VI	Commercial	Negotiated fee

OUTDOOR RENTALS
Shelters, Pavilions, Open Spaces, & Group Areas

Facility	Capacity	Daily Fee	Deposit (refundable)
Family	Up to 25	$25.00	$25.00
Small	26-50	$45.00	$75.00
Medium	51-100	$65.00	$125.00
Medium w/kitchen	51-100	$85.00	$125.00
Large	101-200	$150.00	$200.00
Open Areas	201-999	$250.00	$400.00

REGIONAL PAVILIONS Does not include employee fee.			
Facility	**Capacity**	**Daily Fee**	**Deposit (refundable)**
Kiwanis Island	750	$250.00	$400.00
Sand Point	750	$250.00	$400.00
F. Burton Smith	1,000	$300.00	$400.00
Fox Lake	1,000	$300.00	$400.00
Wickham	1,000	$600.00	$400.00
Kitchen		$100.00	$100.00

SPECIAL EVENT RENTALS FOR EXCLUSIVE USE OF PARK Exclusive Use Package includes employee(s) based on attendance for up to a maximum of 8 hours. For events extending past the 8 hour maximum an hourly employee fee shall be assessed.		
Attendance (per day)	**Daily Fee**	**Deposit (refundable)**
Up to 1,000	$1,500.00	$750.00
1,001 – 3,000	$3,000.00	$1,500.00
3,001 – 5,000	$5,000.00	$2,500.00
5,001+	Negotiated	Negotiated

INDOOR FACILITIES & GYMS			
Facility	**Capacity**	**Hourly Fee**	**Deposit (refundable)**
Small Room	Up to 25	$20.00	$25.00
Medium Room	26-50	$30.00	$75.00
Large Room	51+	$45.00	$100.00
Single Gym		$50.00	$200.00
Double Gym		$60.00	$200.00
Kitchen		$100.00 (daily)	$100.00

SPECIAL EVENT RENTALS & DEPOSITS EVENTS ARE OPEN TO THE PUBLIC			
Facility	**Capacity**	**Daily Fee (taxable)**	**Deposit (refundable)**
Special Events	1-25	$50.00	$50.00
Special Events	26-50	$100.00	$100.00
Special Events	51-100	$150.00	$150.00
Special Events	101-200	$200.00	$200.00
Special Events	201 – 500	$300.00	$300.00
Special Events	501- 1,000	$500.00	$500.00
Special Events	1,001 – 3,000	$1,000.00	$1000.00
Special Events	3,001 – 5,000	$3,000.00	$2,000.00
Special Events	5,001 +	Negotiated	Negotiated

CRANDALL J. WARREN BUILDING CUYLER COMMUNITY CENTER
Daily Fee for residents and businesses located within the Neighborhood Strategy Area (NSA) shall be $150.00 for up to 8 hours which includes the facility, kitchen and staff between the hours of 10:00 a.m. and midnight. Additional hours exceeding the 8 hour time frame, scheduled in advance, will be charged at $20.00 per hour. A fully refundable clean-up/damage deposit of $200 will be required.

HARRY T. & HARRIETTE V. MOORE CULTURAL CENTER			
Facility	**Hourly Fee**	**Daily Fee**	**Deposit (refundable)**
Meeting Room	$45.00	NA	$100.00
Gazebo	NA	$65.00	$100.00
Pavilion	NA	$85.00	$200.00
Pavilion and Kitchen	NA	$105.00	$200.00

RIVER'S EDGE EVENT CENTER TOM STATHAM PARK			
River's Edge Event Center	**Hourly Fee**	**Daily Fee**	**Deposit (refundable)**
Weekdays	$75.00	$600.00	$250.00
Weekends	NA	$1,000.00	$250.00

EQUESTRIAN FACILITIES	
MANATEE COVE	
Ring	$150.00 daily
WICKHAM	
Ring with Announcer Stand	$250.00 daily
Lights	$20.00 per ring hourly (non-taxable)

RECREATIONAL CAMPING SITES Campers may change their site based on availability and to achieve maximum utilization of the park at no charge.		
Campground	**Daily**	**30 Days**
Long Point	**$28.00**	**$840.00**
Manatee Hammock	**$26.00**	**$555.00**
Wickham	**$21.00**	**$534.00**
Youth Camping is available at all locations $5.00 per person per day – minimum of 10 campers.		

AQUATICS	
PUBLIC SWIM DAILY ADMISSION Fees include tax.	
Daily Admission	$2.00/person ages 2 years & up
12 Visit Pass	$20.00
POOL RENTAL	
Rental Rate	$50.00 per hour Minimum of 2 hours
Hourly Staff Up to 25 participants = 2 guards minimum 26-75 participants = 3 guards minimum 76 participants or more = 4 guards minimum	$25.00 per hour per Lifeguard (non-taxable)
LEARN TO SWIM Fees are non-taxable.	
Levels 1-6 and Adult (8 classes)	$45.00
Preschool & Parent/Tot (8 classes)	$35.00
Private Lessons (30 minutes)	$25.00
BREVARD COUNTY PARKS & RECREATION SWIM TEAM Fees are non-taxable.	
First Child	$90.00
Each Additional Child	$60.00

ATHLETICS Discounts do not apply to athletic courts or athletic fields.		
ATHLETIC COURTS		
Court Type	**Hourly**	**Hourly With Lights**
Hard Court	$4.00	$8.00
Clay Court	$5.00	$10.00
ATHLETIC FIELDS		
Hourly	**Daily**	**Light Fee**
$15.00	$100.00	$30.00 per hour ($15.00 per hour for Recreation Partners)

SUMMER CAMPS Fees are non-taxable.		
DAY CAMP PROGRAMS 7:00 a.m. –		
	Daily	**Weekly**
First Child	$30.00	$90.00
Each Additional Child	$30.00	$80.00

SPECIALTY CAMP PROGRAMS		
Per Child	Weekly 9:00 a.m. – 4:00 p.m.	$100.00
Per Child	Weekly 7:00 a.m. – 6:00 p.m.	$125.00

MISCELLANEOUS FEES	
Electricity	$15.00 per day (non-taxable)
Space or table rental under pavilion or indoors	$35.00 per day
Space or table rental outside area	$25.00 per day
Water slides, Dunk tanks, Inflatables and water specific structures	$40.00 per day (non-taxable)

	SPECIAL EVENT EQUIPMENT			
	Commercial	**Private (non-commercial)**	**Non-Profit and Not for Profit**	**Direct Cost (non-negotiable and non-taxable)**
STAGE *	Negotiated Fee	$900.00	$600.00	$300.00
TENT	Negotiated Fee	$800.00	$500.00	$200.00
*Rental fee includes employee fees for transporting the stage to and from the event, stage set-up, securing the stage, monitoring the safe operation of the stage and break down of the stage.				

DEPOSITS AND FEES

Fees, discounts, or special prices for activities, transportation and camping may be established or waived from time to time by the Department director or designee. Book programs (i.e. Historical and Cultural programs) which include book and painting sales and author signings may be approved by the Parks and Recreation Director or designee. All fees may be adjusted annually to reflect the percentage change in the consumer price index (CPI-U).

Application for Refund: Rentals and/or activities cancelled due to inclement weather will be rescheduled whenever possible. If a refund request is received less than 7 days prior to scheduled date of use, the reservation fee will be forfeited. A minimum of 3 hours for employee fees may be assessed for rainouts. A processing fee of $20.00 will be assessed for each application for refund submitted. Multiple day rentals may be pro-rated due to inclement weather. Department initiated refunds will be returned in full.

Cleanup/Damage Deposit: The user shall be responsible for all costs associated with damages to park facilities, equipment, furnishings and grounds. A cleanup/damage deposit, based on size of group, shall be required from the individual, group, and/or organization applying to reserve or use a facility prior to such use.

This deposit will be refunded upon verification by the Department that the facility has been returned to a condition similar to that prior to use. If the facility is not returned to its condition prior to use all costs associated with returning the facility to prior condition will be assessed to the renter. These costs shall include the employee charges, materials, and equipment required to complete repairs. A violation of any rule or regulation, or a material misrepresentation by an individual, group, and/or organization will result in forfeiture of the full deposit.

An additional deposit shall be assessed when furnishings not normally provided in a facility are requested. The amount of the furnishings deposit shall be based on a fee of $30.00 or thirty percent (30%) of the current market value of furnishings provided, whichever is greater. The deposit will be returned after use, providing no damage was incurred.

Contracted Recreation Instructors: Instructors shall pay to the County, a sum equal to twenty-five percent (25%) of the gross registration fees received. The Department Director or Area Manager may elect to collect fees and then pay the contracted Recreation Instructor a negotiated percentage of the collected fees.

Contracted Services and/or Vendors: Contracted services and/or vendors may be secured as necessary for Department sponsored events. Vendors shall be charged a flat fee as determined based on the event. Vendors are responsible for obtaining all applicable permits, licenses and insurance. The vendor shall comply with all applicable laws and regulations.

Direct Costs: Direct costs shall be assessed as established by the Parks & Recreation Department Director or designee and/or outlined or referenced by this fee schedule.

Employee Fees: Employee fees shall be payable at $25.00 per hour for each employee utilized or overtime at $37.50 per hour for holidays and when the rental is confirmed with less than 7 calendar days of notice. Employee fees shall be assessed for any additional employees required over and above that which is normally provided. Employees are required for any indoor or outdoor rental with anticipated attendance of 201 or more attendees plus one additional employee for every 500 additional in attendance. The employee fee for indoor facilities is assessed when requested event time is other than normal operating hours and/or as required by anticipated attendance. The Department reserves the right to determine the number of employees based on the proposed activity. If no employee fee is assessed, access to indoor facilities without an employee requires department approval and a key deposit.

Fee Waivers: Fees may be waived for business conducted by Non Profit, Not for Profit, or by contractual agreement. Areas in park facilities may be designated for this use. There are no waivers of general comprehensive liability insurance for softball tournaments.

The appeal process for refusal or revocation of a permit is outlined in Chapter 78, Section 78-82, Code of Ordinances of Brevard County.

Key Deposits: If the issuance of a key is required for use of a facility, a deposit of $20.00 shall be assessed. The deposit must be paid when the key is issued. The key must be returned at the close of the scheduled use, or next business day, and the deposit will be returned at the time of receipt of the key. If the key is lost, the user will be responsible for all costs associated with replacement of the key, plus any damages resulting from loss of key. These costs shall include the employee fees, materials, and equipment required to replace the key and/or lock and complete repairs.

Neighborhood Strategy Areas: Residents of identified neighborhood strategy areas shall receive a 50% reduction to rentals and department sponsored program fees for facilities located within neighborhood strategy areas in which they reside; proof of residency is required. Non-Profit Organizations in identified neighborhood strategy areas shall receive a 50% reduction to rental fees for facilities located within neighborhood strategy areas in which they operate; proof of address is required. There will be no stacking of discounts for Non-Profit Organizations.

Reservation Fees: Fifty percent (50%) of the total rental cost, except for tournament deposits, shall be assessed for all facilities which require reservations and must be paid within two (2) working days of the initial request. This fee applies to the total cost of rental. If the reservation is canceled by the user within 7 calendar days of the scheduled use, the reservation fee, which is fifty percent (50%) of the total rental cost and includes costs associated with processing, is automatically forfeited. All fees must be paid in full 72 hours prior to facility rentals.

Sanitation Fees: When the Department determines facilities are not adequate to meet sanitary needs users must provide additional sanitary facilities (i.e. dumpster, trash receptacle, port-o-let, etc.).

Set-Up Fees: Rental does not include employee fee for set-up or take-down. A minimum of 1 hour set-up fee and 1 hour take-down fee shall be charged at the employee fee as defined in the fee schedule for activities requiring such unless otherwise stated in the established fee.

Transportation: Direct cost to Brevard shall be based on $25.00/hour and current mileage reimbursement rate approved by the Board of County Commissioners; or the direct cost of a contracted transportation service.

Brevard COUNTY

FIXED FEE SCHEDULE

Parks & Recreation
BREVARD COUNTY

Fixed Fee Schedule

I.	**Slow Pitch Softball/Kickball Adult Leagues**	
	a. League Games – 2 Umpires	$ 18.00 each per game
	b. League Games – 1 Umpire	$ 24.00 per game
	c. Tournament Games	Current USSSA Fee*
	d. Scorekeeper (Scoring Only)	$ 8.00 per game
	e. Scorekeeper (Scoring & Statistics)	$ 10.00 per game
II.	**Basketball Adult Leagues**	
	a. Adult Basketball Games – 2 Referees	$ 24.00 each per game
	b. Adult Basketball Games – 1 Referee	$ 32.00 per game
	c. Scorekeeper (Scoring Only) & Timekeeper	$ 8.00 per game
	d. Scorekeeper (Scoring & Statistics)	$ 9.00 per game
III.	**Basketball Youth Leagues**	
	a. Youth League Games – 2 Referees	$ 18.00 each per game
	b. Youth League Games – 1 Referee	$ 20.00 per game
	c. Youth Scorekeeper (Scoring Only) & Timekeeper	$ 8.00 per game
	d. Youth Scorekeeper (Scoring & Statistics)	$ 9.00 per game
IV.	**Volleyball Adult Leagues, Tournaments**	
	a. Recreation League – 1 Official	$ 15.00 per match
	b. Power League – 1 Official	$ 18.00 per match
V.	**Flag Football Adult Leagues**	
	a. Adult League Games – 3 Referees	$ 25.00 each per game
	b. Adult League Games – 2 Referees	$ 32.00 each per game
	c. Adult League Games – 1 Referee	$ 40.00 per game
	d. 4 on 4 and 5 on 5 Flag – 2 Referees	$ 20.00 each per game
	e. All Passing Flag Football – 2 Referees	$ 15.00 each per game
	f. Assignment Coordinator for Tournament	Current FFFL Fee*
VI.	**Soccer Adult Leagues**	
	a. 4v4 or 6v6- 2 Referee	$ 18.00 each per game
	b. 4v4 or 6v6- 1 Referee	$ 26.00 per game
	c. 11v11 Adult Games- 2 Assistant Referees	$ 17.50 each per game
	d. 11v11 Adult Games- 1 Referee	$ 35.00 per game
VII.	**Baseball Adult or Unlimited Age Leagues**	
	a. Level I: Entry level with League approval & certification	
	Plate Umpire	$ 50.00 per game
	Base Umpire	$ 45.00 per game
	Umpire alone working plate & bases	$ 72.50 per game
	b. Level II: High School Certified/2 years experience minimum with League approval & certification	
	Plate Umpire	$ 60.00 per game
	Base Umpire	$ 50.00 per game
	Umpire alone working plate & bases	$ 85.00 per game
	c. Level III: College Certified/Pro Experience/League approval & certification	
	Plate Umpire	$ 70.00 per game
	Base Umpire	$ 60.00 per game
	Umpire alone working plate & bases	$100.00 per game
	d. Scorekeeper (Scoring Only)	$ 15.00 per game
	e. Scorekeeper (Scoring & Statistics)	$ 17.00 per game
VIII.	**Assignment Coordinator for all leagues** (if utilized)	$ 1.50 per game

* Or other sanctioning agency

Jack Masson, Parks and Recreation Director Jack Masson

November 22, 2016

RULES & USE POLICY EXHIBIT B

BREVARD COUNTY
PARKS AND RECREATION DEPARTMENT
RULES AND USE POLICY

EXHIBIT B

A. General

1. County property, facilities, and equipment placed under the authority of the Department are intended primarily for recreational use by the general public. Use of these facilities and areas shall not be adapted to a use which differs from this purpose; however, facilities and equipment may be made available for community or other public use when such use is compatible with other general public use established or approved by the Department and in accordance with Chapter 78, Code of Ordinances of Brevard County, Use of Parks. Availability and reservation of such parks, recreational facilities and equipment shall be on first come, first serve basis unless a permit is required per Chapter 78, Section 78-82, Code of Ordinances of Brevard County.

2. Any individual, group and/or organization applying for use permits shall be classified into five (5) categories for purposes of identification and charges for facilities and equipment.

   a. Category I (Sponsored and Co-sponsored): Recreational activities directly sponsored, or co-sponsored by the Department.

   b. Category II (Recreation Partners): Any sanctioned group or organization that has a current Recreation Partner agreement with Brevard County Board of County Commissioners.

   c. Category III (Not for Profit/Non-profit): Any non-profit or not for profit organization as defined in Chapter 78, Section 78-76, Brevard County Code of Ordinances.

   d. Category IV (Private/Non-Commercial): Individuals, private groups, and/or private non-commercial organizations.

   e. Category V (Public issue speech): Any individual, group, and/or organization whose proposed activity or event is conducted for the purpose of public issue speech. Public issue speech is defined as all speech and assembly protected by the First Amendment to the United States Constitution, as interpreted by case law; including, but not limited to, religious, political and philosophical speech and assembly as well as charitable solicitation for any purpose described in Section 496.404 (20), Florida Statutes (2001), as amended.

   f. Category VI (Commercial): Any activity as defined in the Chapter 78, Section 78-76, Code of Ordinances of Brevard County,

B. Responsibility

1. The collection of specified fees is the responsibility of the Parks and Recreation Department Director or designee, per Chapter 78, Section 78-83, Code of Ordinances of Brevard County.

2. The Parks and Recreation Department Director or designee shall approve use of parks, recreational facilities, equipment and department managed lands as specifically provided by Chapter 78, Code of Ordinances of Brevard County and this policy.

3. The Parks and Recreation Department Director or designee is responsible for ensuring that property and equipment are safeguarded during periods of approved use.

C. Permit

1. Any individual, group and/or organization, desiring to reserve any park and/or recreational facility shall obtain a permit from the Department.

2. All individuals, groups and/or organizations granted a permit to use a County park or recreational facility must agree to abide by all established rules, regulations, laws and ordinances of state, federal, county and city governments and their respective agencies, which are enforceable in the jurisdiction where such park or recreational facility is located. No permit shall be granted where the applicant represents, as part of its application, an express intent to violate any laws and/or ordinances of state, federal, county or city governments, which are enforceable in the jurisdiction where such park or recreational facility is located.

3. The Department shall promptly review all submitted applications for permits for use of County parks and recreational facilities. Permits shall be issued as soon as reasonably possible upon the satisfaction of the conditions set forth in Chapter 78, Code of Ordinances of Brevard County, and herein, regarding the issuance of permits.

4. Payment of applicable fees for scheduled use of facilities must be made prior to the issuance of a permit and/or services. This includes all non-profit groups.

5. Refunds

   a. An administrative fee of $20.00 maybe assessed for the processing of refunds.
   b. Cancellation of a facility rental reservation may be initiated by applicant not less than 7 calendar days prior to the scheduled use; however, a $20.00 processing fee as established by resolution of the Board of County Commissioners will be assessed and/or deducted when the reservation fee is refunded. If a refund request is received less than 7 calendar days prior to scheduled date of use, the reservation fee will be forfeited. When refunds are department initiated the refund will be returned in full.
   c. Application for pool and recreational activity refunds must be received prior to scheduled date of use, except for illness or family emergencies, in which case proof must be provided, and the application must be received within 7 days following absence. A processing fee of $20.00 will be assessed for refunds. Daily refunds are not available.

6. Prior to granting a permit, any individual, group, and/or organization sponsoring the activity(ies) or event(s) shall agree to indemnify and hold Brevard County harmless from any and all liability, claims, damages, expenses (including attorney's fees), proceedings and causes of action of every kind and nature, arising out of or connected with said sponsor's use, occupation or control of the park or recreation facility (or any improvement thereon or any furniture, furnishings, equipment and fixture utilized in connection therewith), unless liability, claims, damages or expense are a result of Brevard County's sole negligence. The individual, group, and/or organization shall agree that it will, at its own expense, defend any and all actions, suits or proceedings which may be brought against Brevard County in connection with said parks and facilities arising from said sponsor's activities and that it will satisfy, pay, and discharge any and all judgments that may be entered against Brevard County in any such action or proceeding.

   a. Commercial activity, as defined in Chapter 78, Section 78-76, Code of Ordinances of Brevard County, does not include public issue speech, as defined in Category V above. Therefore, a permit for a proposed activity shall not be denied for failure to qualify for tax-exempt status pursuant to section 501(c), Internal Revenue Code, where such activity is public issue speech.

   b. Any material misrepresentation, whether written or oral, by a permit applicant on an application or during the application process, where the department relied on such misrepresentation in granting a permit, shall be grounds for the Department's immediate revocation of such permit and is punishable pursuant to Chapter 78, Section 78-101, Code of Ordinances of Brevard County.

D. Liability

1. Category II, III, IV, and VI individuals, groups and/or organizations utilizing facilities for high risk or commercial activities are required to provide general comprehensive liability insurance in an amount not less than $1,000,000 per occurrence to cover any and all claims and costs arising in connection with any accident or occurrence related to such activities. Brevard County Board of County Commissioners shall

be named as an additional insured on any such policy. A copy of a certificate of insurance or letter of binder shall be provided to the County prior to the issuance of the permit. The following are the high risk or commercial activities where such insurance is required:

a. Activities that involve physical contact.

b. Alcoholic beverage usage that has been permitted at functions open to the public.

c. Sale of food items and/or beverages at functions open to the public.

d. Activities where amplified music is a primary function, a gathering of more than 200 people is reasonably expected and such activities are open to the general public.

e. Commercial activities, as defined in Chapter 78, Section 78-76, Code of Ordinances of Brevard County, and herein, and/or at events open to the public.

f. Activities that involve "At Risk Populations". "At Risk Population" shall include but not be limited to children, elderly, disabled, and those who cannot defend themselves. The Parks and Recreation Department Director shall have the discretion to classify an activity as involving an "At Risk Population".

2. Category V individuals, groups and/or organizations utilizing parks or recreational facilities for the purpose of public issue speech shall not be required to provide liability insurance unless the proposed activities or event include any of the high risk or commercial activities listed in the immediately preceding paragraph. If required, the amounts of such insurance shall be identical to those stated in the immediately preceding paragraph. Under no circumstances shall the content of the proposed speech, nor the potential reaction of those listening to said speech, be a consideration with regard to the requirement and/or amount of liability insurance required.

3. In addition to general comprehensive liability insurance, host and/or liquor liability insurance shall be required where the sponsor of the activity or event serves or allows to be served and/or consumed alcoholic beverages at such activity or event. If the individual, group, and/or organization is selling alcoholic beverages and/or including alcoholic beverages in the sale of admission ticket, the individual, group, and/or organization will obtain a legal liquor liability policy, written by an insurer authorized to do business in Florida, naming Brevard County Board of County Commissioners as an additional insured, with a minimum coverage of $1,000,000 per accident/occurrence, in addition to other insurance requirements. If the individual, group, and/or organization is not involved in the sale of alcoholic beverages and is allowing alcoholic beverages to be served and/or consumed, the individual, group, and/or organization will obtain a host liquor liability policy, written by an insurer authorized to do business in Florida, naming Brevard County Board of County Commissioners as an additional insured, with a minimum coverage of $1,000,000 per accident/occurrence, in addition to other insurance requirements.

4. In any event, liability will be assumed by the sponsoring individual, group, and/or organization with regard to any personal injury, liability, and/or property damage arising from the activities of such sponsoring individual, group and/or organization.

E. Reservation of Authority

1. Any alteration of the Rules and Use Policy and/or Fee Schedule must be approved by the Board of County Commissioners; unless such authority has been otherwise delegated previously.

ORDINANCE

ORDINANCE 16- 20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, AMENDING AND REVISING BREVARD COUNTY CODE, CHAPTER 78, ARTICLE III, USE OF PARKS, SECTION 78-76, DEFINITIONS, SPECIFICALLY THE DEFINITIONS OF RECREATION PARTNER, SERVICE ANIMAL AND WEAPON; AMENDING AND REVISING SECTION 78-82 PERMITS (b)(9) AND (c)(1), AND SECTION 78-116 WILDLIFE AND DOMESTIC ANIMALS (a) and (b); PROVIDING FOR SEVERABILITY; PROVIDING FOR AREA ENCOMPASSED; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF BREVARD COUNTY, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 78, Brevard County Code of Ordinances, sets forth a system of regulations and rules governing the activities within County parks and recreational facilities; and

WHEREAS, the Brevard County Parks and Recreation Department has proposed amendments and modifications to Chapter 78, Brevard County Code of Ordinances, for the purpose of clarifying the regulations and rules contained therein, and for the purpose of updating the regulations and rules contained therein to conform with and reflect changes in applicable law, policies and procedures; and

WHEREAS, the Brevard County Board of County Commissioners desires to modify the existing regulations and rules governing County parks and recreational facilities contained in the Brevard County Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. Sec. 78-76, Code of Ordinances of Brevard County, Florida is hereby amended as follows:

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:

Alcoholic beverages shall mean and includes any beer, wine, fortified wine, liquor or alcoholic beverage defined in F.S. ch. 561.01(4).

Animal shall mean any mammal, reptile, amphibian, bird or invertebrate.

Applicant shall mean an individual or organization who sponsors an activity and/or who applies for a permit.

Closing hours shall mean that time period during which a park, recreational facility, and department managed lands is closed to the general public.

Commercial activity shall mean the sale, service or solicitation of any item for a set fee or donation, tangible or intangible, including but not limited to food and/or beverages; the charging of admission; the charging of fees for any service, entertainment or amusement.

Officially filed with the Secretary of State October 5, 2016

Contracted services shall mean an arrangement for purchase of goods or services on a contractual basis.

Co-sponsor shall mean a mutual agreement providing leisure services in utilization of department managed lands or facilities between the parks and recreation director (county) or designee and an individual, group, or organization.

County shall mean the parks and recreation department acting on behalf of the Brevard County Board of County Commissioners.

Department shall mean the parks and recreation department of the county.

Department director shall mean the person appointed by the board of county commissioners to coordinate all park and recreation programs, parks, recreational facilities, and department managed lands.

Department managed lands shall mean a park, reservation, playground, beach, recreation center, refuge, sanctuary, conservation area and environmentally endangered lands or other area owned, leased, managed, operated or maintained by the county and devoted to active or passive recreation.

Designated area shall mean that geographical area which has been established by the department for a specific activity or activities within a park or recreation facility.

Environmentally endangered lands are environmentally unique, irreplaceable lands that are valued ecological resources and at risk of extirpation in the county.

Entertainment equipment shall mean, but is not limited to moon walks, rock climbing walls, pony rides, dunking booths, ball crawls, kiddy trains, inflatables, and similar equipment used for the purpose of entertainment.

Fireworks shall mean and include any combustible or explosive composition or substance or combination of substances or, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

Law enforcement shall mean any governmental body which exercises jurisdiction over a park or recreational facility.

Material misrepresentation shall mean the falsification of information provided to request and/or obtain the use of a park, recreational facility or department managed lands.

Motor vehicle shall mean any vehicle, which is self-propelled and licensed by the state.

Motorized scooter shall mean any vehicle not having a seat or saddle for the use of the rider designed to travel on not more than three wheels, and not capable of traveling at speeds greater than 30 miles per hour on level ground.

Non-profit organization shall mean a not-for-profit tax exempt corporation, pursuant to F.S. ch. 617.

Not for profit organization shall mean a non profit charitable corporation, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held to be tax exempt under the provisions of sections 501(c)(3), (4), (7), (10), or (19) of the Internal Revenue Code of 1954.

Organized athletics shall mean any pre-arranged sport related game, contest, practice, clinic, competition, warm up, training, playoff, event, or activity.

Park includes a park, reservation, playground, beach, recreation center, refuge, sanctuary or other area owned, leased, operated or maintained by the county and devoted to active or passive recreation.

Permit shall means a written document issued by the department granting permission for a specific activity.

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

Public issue speech shall mean all speech and assembly protected by the First Amendment to the United States Constitution, as interpreted by case law; including, but not limited to, religious, political and philosophical speech and assembly as well as charitable solicitation for any purpose described in F.S. § 496.404(20) (2001), as amended.

Recreational facility shall mean any area devoted to active or passive recreation on property owned, leased, managed, operated or maintained by the county.

Recreation partner shall mean a group or organization which has a current recreation partner agreement with the board of county commissioners providing for nonexclusive use of a facility in order for the group or organization to provide recreation programs.

Recreational vehicle shall mean a unit designed as a temporary living quarter for recreational camping or travel use which does not include cars, boats, or conversion vans.

Security violation shall mean any activity, which results in an arrest by a certified law enforcement officer, resulting in the imposition, by a court of law, of a fine, imprisonment, probation and/or other criminal penalty. This term includes only those arrests which occurred during a permitted event and on the property of the park or recreational facility where such event is held.

Service animal shall mean an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Special event shall mean an event characterized by one or more of the following: open to the public; anticipated attendance of 201 or more; requiring temporary closure of park roadways; and/or anticipated attendance exceeding facility capacity.

Sponsor shall mean an individual, group, or organization who vouches or is responsible for utilization of department managed lands or facilities. The sponsor may be the parks and recreation department.

Ultra light aircraft shall mean any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.

Vehicle shall mean any watercraft or wheeled conveyance, whether motor powered, animal drawn or self propelled or any trailer in tow of any size, kind or description.

Vendor shall mean a person who provides food, beverage, products and/or services on a contractual basis at a parks and recreation sponsored function.

Weapon shall mean any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt table knife.

SECTION 2. Sec. 78-82, Code of Ordinances of Brevard County, Florida is hereby amended as follows:

(a) A permit is required when one or more of the following conditions apply:

(1) The applicant desires exclusive use of all of or a portion of a park, recreational facility or department managed lands.

(2) The proposed activity includes organized athletics.

(3) The proposed activity is open to the public with an anticipated attendance of 50 or more (section 78-105).

(4) The proposed activity includes the possession or consumption of alcoholic beverages. The applicant has provided a plan and payment for security where required below.

(5) The applicant desires to take off in or land any aircraft, glider or parachute (section 78-106).

(6) The applicant desires to post signs (section 78-108).

(7) The proposed activity includes amplified music (section 78-110).

(8) The applicant desires to ride horseback after dark and/or before daylight (section 78-113).

(9) The applicant desires to carry, fire or discharge any weapon or fireworks.

(b) The department shall issue a permit when all of the following conditions are met:

(1) The desired park (or requested portion thereof), recreational facility, or department managed lands has not been reserved for other use at the time requested.

(2) The applicant has provided current photo identification and has completed an application for use permit.

(3) The applicant has provided fees as established by resolution of the board of county commissioners for the activity.

(4) The applicant is in full compliance with all laws, ordinances, rules and regulations, permitting and licensing requirements.

(5) The applicant has provided current proof of public and/or liquor liability insurance as required by the board of county commissioners.

(6) The applicant has provided a plan and payment for security as required in subsection (c).

(7) The proposed activity or activities will occur in an area designated for such activity or activities.

(8) The applicant has agreed to indemnify and hold the county harmless as established by resolution by the board of county commissioners.

(9) If the proposed activity includes commercial activity and/or is open to the public; as defined in section 78-76 and the applicant is a non-profit or a not for profit organization, then the applicant must show proof of the applicant or applicant's organization's ~~is a~~ non-profit or a not for profit status.

(c) Security.

(1) The applicant shall provide and pay for a security plan for the proposed event if such event involves commercial activity <u>and</u> is open to the public. Such plan shall provide for at least one security personnel, under contract with the permit applicant, on duty at all times for the initial 201 attendees and thereafter one additional security personnel for every 500 additional persons attending the proposed event, with no security personnel working more than one eight-hour shift in any 24-hour period. As an alternative to providing a security plan, the applicant may pay the cost for providing security, in accordance with the above stated guidelines, under any interlocal agreement that the county may have with any law enforcement agency.

(2) Security personnel shall include certified law enforcement officers or any bona fide private security company licensed to do business in the state.

(3) Where the proposed activity is to be conducted for the sole purpose of public issue speech and does not involve any commercial activity, the applicant shall not be required to pay the expenses associated with security, unless the same event has experienced two or more security violations at a single event, during the two calendar years immediately preceding the application in the county or any other jurisdiction.

(d) All permits shall be signed by the department director or designee.

(e) If any proposed recreational or commercial activity may constitute a hazard as determined by department director or designee to any person or property, the department, as a condition of the issuance of a permit, shall require public liability insurance in an amount sufficient to protect such person or property. The amount and requirements of such insurance shall be established pursuant to a resolution adopted by the board of county commissioners. Such activities include but are not limited to the use or placement of entertainment equipment; athletic or sporting events involving physical contact; events that are expected to draw over 200 people which include amplified music; commercial activity; and any event which is open to the public and involves the possession or consumption of alcoholic beverages, the sale of food items and/or beverages, or any commercial activity as defined in this chapter.

(f) The department shall notify the applicant within five days, excluding weekends and holidays, whether the permit request is granted or denied, and if the permit is denied, the reason for such denial.

(g) The department director or designee shall have the authority to revoke a permit upon finding a violation of any rule or regulation, or a material misrepresentation.

(h) The applicant may appeal the refusal or revocation of a permit to the county manager within five days after notification of such refusal by filing a written notice. However, the denial of a permit may not be appealed if the basis for denial was:

(1) That the park, recreation facility, or department managed land was previously reserved; or

(2) Due to a prior material misrepresentation of the applicant.

If the department decision is upheld, the appeal may be referred to the board of county commissioners. The board of county commissioners may consider the appeal at a regularly scheduled meeting. If the board does not meet within 30 days the board shall direct the department to issue the permit unless the department demonstrates that the herein permit requirements have not been met. In the event the board affirms the denial of the permit the applicant may immediately request review by a court of competent jurisdiction subject to the rules and laws governing application to such court.

SECTION 3. Sec. 78-116, Code of Ordinances of Brevard County, Florida is hereby amended as follows:

(a) Unless otherwise permitted by law, no person shall feed, hunt, catch, harm, kill, trap, chase, tease, shoot or throw missiles at any animal nor remove or have in his possession the young of any wild animal or eggs or nest thereof in any park, recreational facility or department managed lands. Hunting may be allowed by permit in designated areas, subject to applicable governmental rules, regulations and agency requirements. No person shall abandon an animal in any park, or recreational facility, or department managed lands.

(b) No person shall bring an animal into any park, recreational facility, or department managed lands unless it is a service animal or it is an area designated for such purpose. The service animal must be under the control of its handler and must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means. The service animal must be properly vaccinated and licensed. It is required to clean up after your ~~working~~ service animal. Licenses and proof of vaccination must be presented to department personnel or law enforcement upon demand.

SECTION 4. Conflicting Provisions. In the case of a direct conflict between any provision of this ordinance and a portion or provision of any other appropriate federal, state or county law, rule, code or regulation, the more restrictive shall apply.

SECTION 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 6. Area Encompassed. This ordinance shall take effect only in the unincorporated area of Brevard County, Florida.

SECTION 7. Effective Date. A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. This ordinance shall take effect upon adoption and filing as required by law.

SECTION 8. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of Brevard County, Florida; and that the sections of this ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

DONE AND ORDERED in Regular Session this 4th day of October 2016.

ATTEST:

Scott Ellis, Clerk

BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

By: Jim Barfield, Chairman

As approved by the board on 10/4/16.

STATE OF FLORIDA
COUNTY OF BREVARD
This is to certify that the foregoing is a true and current copy of ORDINANCE NO. 16-20 witness my hand and official seal this 4 day of October 20 16
SCOTT ELLIS, Clerk of Circuit Court
BY Deborah Hunter D.C.

CHAPTER 78

Chapter 78 - PARKS AND RECREATION

ARTICLE I. - IN GENERAL

Sec. 78-1. - Regulation of facilities.

(a) *Authority.* The Brevard County Board of County Commissioners shall prepare and adopt by resolution regulations for the use of parks, recreational facilities, and department managed lands owned or operated by the county which 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 the parks, recreational facilities, and department managed lands and the general use of parks, recreational facilities, and department managed lands for each such park, recreational facility, and department managed lands as may be necessary.

(b) *Penalty for violation.* Whoever violates any regulation after having notice, either oral or written, of such regulation and refuses to comply with such regulation, or whoever violates a regulation when the regulation is posted on a sign or billboard in the park, recreational facility, or department managed lands shall be punished by a fine not to exceed $500.00 or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment as provided in Chapter 1, Section 1-7(c) of the Code of Ordinances of Brevard County.

ARTICLE II. - BOND ISSUES

Sec. 78-36. - Authority to establish capital projects.

Pursuant to Article VIII, sec. 1(g), Florida Constitution, and the county home rule powers specified in F.S. § 125.01 (2007), or any successor thereto, the board of county commissioners is hereby authorized to acquire, construct, furnish and equip county capital projects for parks, playgrounds, recreational campgrounds, department managed lands and other recreational facilities of the county (hereinafter called projects).

Sec. 78-37. - Issuance of revenue bonds.

To pay the cost of the projects described above, the board is authorized to issue revenue bonds, hereinafter referred to as bonds, from time to time in the form and content acceptable to qualified bond counsel and disclosure counsel. Such bonds may be in coupon form, in such denomination or denominations, bear interest at such rates not exceeding the maximum rate allowed by law and shall mature at such time or times not exceeding 30 years from their date or dates as may be determined by the board of county commissioners. The bonds may be made redeemable before maturity, at the option of the board, at such price or prices and under such terms and conditions as may be fixed by the board prior to their issuance. The board of county commissioners shall determine the place or places of payment of the principal and interest which may be at any bank or trust company within or without the state. The bonds shall be signed either by manual or facsimile signatures of the chairman and clerk of the board; provided that such bonds shall bear at least one signature which is manually executed thereon, and the coupons attached to such bonds shall bear the facsimile signature or signatures of such officer or officers as shall be designated by the board. The bonds shall have the seal of the board affixed, imprinted, reproduced or lithographed thereon, all as may be prescribed in the resolution or resolutions authorizing the issuance thereof. The bonds shall be sold at public sale or private sale at such price or prices as the board of county commissioners shall determine to be in the best interest, provided that the price shall be not less than 95 percent of the par value of the bonds sold.

Sec. 78-38. - Payment of principal of and interest on bonds.

The principal of and interest on the bonds issued under this article may be payable from the revenues derived from the operation of the projects, if any, and from other funds of the county derived from sources other than ad valorem taxation received by the board of county commissioners or by any separate board or authority appointed by the board of county commissioners.

Sec. 78-39. - Budgeting of funds.

The board of county commissioners shall include in the county budget in each year the amount of the principal of and interest on the bonds becoming due in each year and reserves therefor, to be payable only from revenues of the projects and other funds of the county derived from sources other than from ad valorem taxation.

Sec. 78-40. - Bonds constitute negotiable instruments.

The bonds issued under this article are hereby constituted negotiable instruments under the law merchant and the laws of the state.

Sec. 78-41. - Bonds constitute legal investments.

The bonds issued under this article are hereby constituted as legal investments for any state, county, municipal or other public funds or for any bank, savings bank, trustees, executors, guardians or any trust or fiduciary funds whatsoever. Such bonds shall also be and constitute legal securities which may be deposited by any bank or trust company for the security of state, county, municipal or other public funds.

Sec. 78-42. - Election not required.

No referendum or election in the county shall be required for the exercise of any of the provisions of this article unless such referendum or election is required by the constitution of the state or the County Charter.

Sec. 78-43. - Project expenses authorized.

The cost of the projects may be deemed to also include, but not be limited to, the cost of acquisition of sites, legal, engineering, fiscal, architectural fees and fees of any other experts or consultants employed by the board of county com- missioners, engineering or architectural studies, surveys, plans and designs for the projects; provisions for debt service reserves; bond discount, the expense of the issuance, authorization and sale of said bonds including advertisement, notices and other proceedings in connection therewith; and such other expenses as are necessary, incidental or appurtenant to the purposes authorized under this article.

Sec. 78-44. - Covenant with bondholders.

The county does hereby covenant with the holders of bonds issued under this article that it will not enact any ordinance which will repeal, impair or amend in any manner the rights of such holders or the security of the funds which may be pledged to the payment of the principal of and interest on the bonds issued pursuant to the provisions of this article.

Sec. 78-45. - Supplemental authority.

This article shall not be deemed to repeal or supersede any other law or laws but shall be considered as supplemental and additional authority to the board of county commissioners to carry out and perform the powers provided in this article.

Secs. 78-46—78-75. - Reserved.

ARTICLE III. - USE OF PARKS

DIVISION 1. - GENERALLY

Sec. 78-76. - Definitions.

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:

Alcoholic beverages shall mean and includes any beer, wine, fortified wine, liquor or alcoholic beverage defined in F.S. ch. 561.01(4).

Animal shall mean any mammal, reptile, amphibian, bird or invertebrate.

Applicant shall mean an individual or organization who sponsors an activity and/or who applies for a permit.

Closing hours shall mean that time period during which a park, recreational facility, and department managed lands is closed to the general public.

Commercial activity shall mean the sale, service or solicitation of any item for a set fee or donation, tangible or intangible, including but not limited to food and/or beverages; the charging of admission; the charging of fees for any service, entertainment or amusement.

Contracted services shall mean an arrangement for purchase of goods or services on a contractual basis.

Co-sponsor shall mean a mutual agreement providing leisure services in utilization of department managed lands or facilities between the parks and recreation director (county) or designee and an individual, group, or organization.

County shall mean the parks and recreation department acting on behalf of the Brevard County Board of County Commissioners.

Department shall mean the parks and recreation department of the county.

Department director shall mean the person appointed by the board of county commissioners to coordinate all park and recreation programs, parks, recreational facilities, and department managed lands.

Department managed lands shall mean a park, reservation, playground, beach, recreation center, refuge, sanctuary, conservation area and environmentally endangered lands or other area owned, leased, managed, operated or maintained by the county and devoted to active or passive recreation.

Designated area shall mean that geographical area which has been established by the department for a specific activity or activities within a park or recreation facility.

Environmentally endangered lands are environmentally unique, irreplaceable lands that are valued ecological resources and at risk of extirpation in the county.

Entertainment equipment shall mean, but is not limited to moon walks, rock climbing walls, pony rides, dunking booths, ball crawls, kiddy trains, inflatables, and similar equipment used for the purpose of entertainment.

Fireworks shall mean and include any combustible or explosive composition or substance or combination of substances or, any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation.

Law enforcement shall mean any governmental body which exercises jurisdiction over a park or recreational facility.

Material misrepresentation shall mean the falsification of information provided to request and/or obtain the use of a park, recreational facility or department managed lands.

Motor vehicle shall mean any vehicle, which is self-propelled and licensed by the state.

Motorized scooter shall mean any vehicle not having a seat or saddle for the use of the rider designed to travel on not more than three wheels, and not capable of traveling at speeds greater than 30 miles per hour on level ground.

Non-profit organization shall mean a not-for-profit tax exempt corporation, pursuant to F.S. ch. 617.

Not for profit organization shall mean a non profit charitable corporation, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held to be tax exempt under the provisions of sections 501(c)(3), (4), (7), (10), or (19) of the Internal Revenue Code of 1954.

Organized athletics shall mean any pre-arranged sport related game, contest, practice, clinic, competition, warm up, training, playoff, event, or activity.

Park includes a park, reservation, playground, beach, recreation center, refuge, sanctuary or other area owned, leased, operated or maintained by the county and devoted to active or passive recreation.

Permit shall means a written document issued by the department granting permission for a specific activity.

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

Public issue speech shall mean all speech and assembly protected by the First Amendment to the United States Constitution, as interpreted by case law; including, but not limited to, religious, political and philosophical speech and assembly as well as charitable solicitation for any purpose described in F.S. § 496.404(20) (2001), as amended.

Recreational facility shall mean any area devoted to active or passive recreation on property owned, leased, managed, operated or maintained by the county.

Recreation partner shall mean a group or organization which has a current recreation partner agreement with the board of county commissioners providing for nonexclusive use of a facility in order for the group or organization to provide recreation programs.

Recreational vehicle shall mean a unit designed as a temporary living quarter for recreational camping or travel use which does not include cars, boats, or conversion vans.

Security violation shall mean any activity, which results in an arrest by a certified law enforcement officer, resulting in the imposition, by a court of law, of a fine, imprisonment, probation and/or other criminal penalty. This term includes only those arrests which occurred during a permitted event and on the property of the park or recreational facility where such event is held.

Service animal shall mean an animal that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work done or tasks performed must be directly related to the individual's disability and may include, but are not limited to, guiding an individual who is visually impaired or blind, alerting an individual who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting an individual who is having a seizure, retrieving objects, alerting an individual to the presence of allergens, providing physical support and assistance with balance and stability to an individual with a mobility disability, helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors, reminding an individual with mental illness to take prescribed medications, calming an individual with posttraumatic stress disorder during an anxiety attack, or doing other specific work or performing other special tasks. A service animal is not a pet. The crime-deterrent effect of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for purposes of this definition.

Special event shall mean an event characterized by one or more of the following: open to the public; anticipated attendance of 201 or more; requiring temporary closure of park roadways; and/or anticipated attendance exceeding facility capacity.

Sponsor shall mean an individual, group, or organization who vouches or is responsible for utilization of department managed lands or facilities. The sponsor may be the parks and recreation department.

Ultra light aircraft shall mean any aircraft meeting the criteria established by part 103 of the Federal Aviation Regulations.

Vehicle shall mean any watercraft or wheeled conveyance, whether motor powered, animal drawn or self propelled or any trailer in tow of any size, kind or description.

Vendor shall mean a person who provides food, beverage, products and/or services on a contractual basis at a parks and recreation sponsored function.

Weapon shall mean any dirk, knife, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt table knife.

Sec. 78-77. - Policy.

(a) *Intent.* It is the general purpose and intent of this article to establish uniform procedures for the administration of parks, recreational facilities, and department managed lands in the county; to establish a system of regulations and rules governing the activities within the parks, recreational facilities, and department managed lands; to declare certain activities as violations; to provide for penalties for violation of the regulations; to allow expulsion from parks, recreational facilities, and department managed lands for violation of certain provisions

and to provide a procedure for establishing permits for activities within designated areas and to set methods for the administration of parks, recreational facilities, and department managed lands.

(b) *Area embraced.* This article shall be effective in all parks, recreational facilities, and department managed lands, as defined in this article, whether located in a municipality or unincorporated area of the county. Within any municipality, law enforcement officers of that municipality are authorized to enforce this article.

Sec. 78-78. - Areas designated for specific activities.

The department director or designee shall have the authority to designate areas in parks, recreational facilities, and department managed lands for specific activities, and to prohibit other activities within the designated area. The department director or designee is authorized to post designated areas when in his/her discretion such posting is appropriate.

Sec. 78-79. - Emergency exclusion of public.

In an emergency, when the department director or designee shall determine that the public interest, public health, public morals, public safety, or public welfare requires such action, any park, recreational facility, or department managed land, or any part thereof, may be closed and all persons may be excluded from such area.

The county has designated certain facilities as emergency shelters. When a facility is activated as an emergency shelter no activity other than those required for the emergency will be permitted in the facility until such time as it is no longer needed as a shelter. The county parks and recreation department will provide as much advance notice as possible when a facility is activated as an emergency shelter. The county shall not be responsible for any monetary impact associated with cancellation of activity based on this section.

Sec. 78-80. - Right of entry.

The department, its employees or any law enforcement officers shall have the right at all times to enter the premises of any grounds, building, structure or enclosure located on parks, recreational facilities, or department managed lands including such grounds, buildings, structures or enclosures as may be leased or set aside for the private or exclusive use of any individual or group.

Sec. 78-81. - Enforcement personnel.

The department director shall appoint park rangers, security guards or other authorized personnel who shall be responsible for the enforcement of park rules and regulations and shall have the power to eject and expel any person for violation of any park rule or regulation and report the violation of any regulation to the proper law enforcement officers.

Sec. 78-82. - Permits.

(a) A permit is required when one or more of the following conditions apply:

(1) The applicant desires exclusive use of all of or a portion of a park, recreational facility or department managed lands.

(2) The proposed activity includes organized athletics.

(3) The proposed activity is open to the public with an anticipated attendance of 50 or more (section 78-105).

(4) The proposed activity includes the possession or consumption of alcoholic beverages. The applicant has provided a plan and payment for security where required below.

(5) The applicant desires to take off in or land any aircraft, glider or parachute (section 78-106).

(6) The applicant desires to post signs (section 78-108).

(7) The proposed activity includes amplified music (section 78-110).

(8) The applicant desires to ride horseback after dark and/or before daylight (section 78-113).

(9) The applicant desires to carry, fire or discharge any weapon or fireworks.

(b) The department shall issue a permit when all of the following conditions are met:

(1) The desired park (or requested portion thereof), recreational facility, or department managed lands has not been reserved for other use at the time requested.

(2) The applicant has provided current photo identification and has completed an application for use permit.

(3) The applicant has provided fees as established by resolution of the board of county commissioners for the activity.

(4) The applicant is in full compliance with all laws, ordinances, rules and regulations, permitting and licensing requirements.

(5) The applicant has provided current proof of public and/or liquor liability insurance as required by the board of county commissioners.

(6) The applicant has provided a plan and payment for security as required in subsection (c).

(7) The proposed activity or activities will occur in an area designated for such activity or activities.

(8) The applicant has agreed to indemnify and hold the county harmless as established by resolution by the board of county commissioners.

(9) If the proposed activity includes commercial activity and/or is open to the public; as defined in section 78-76 and the applicant is a non-profit or a not for profit organization, then the applicant must show proof of the applicant or applicant's organization's non-profit or a not for profit status.

(c) Security.

(1) The applicant shall provide and pay for a security plan for the proposed event if such event involves commercial activity and is open to the public. Such plan shall provide for at least one security personnel, under contract with the permit applicant, on duty at all times for the initial 201 attendees and thereafter one additional security personnel for every 500 additional persons attending the proposed event, with no security personnel working more than one eight-hour shift in any 24-hour period. As an alternative to providing a security plan, the applicant may pay the cost for providing security, in accordance with the above stated guidelines, under any interlocal agreement that the county may have with any law enforcement agency.

(2) Security personnel shall include certified law enforcement officers or any bona fide private security company licensed to do business in the state.

(3) Where the proposed activity is to be conducted for the sole purpose of public issue speech and does not involve any commercial activity, the applicant shall not be required to pay the expenses associated with security, unless the same event has experienced two or more security violations at a single event, during the two calendar years immediately preceding the application in the county or any other jurisdiction.

(d) All permits shall be signed by the department director or designee.

(e) If any proposed recreational or commercial activity may constitute a hazard as determined by department director or designee to any person or property, the department, as a condition of the issuance of a permit, shall require public liability insurance in an amount sufficient to protect such person or property. The amount and requirements of such insurance shall be established pursuant to a resolution adopted by the board of county commissioners. Such activities include but are not limited to the use or placement of entertainment equipment; athletic or sporting events involving physical contact; events that are expected to draw over 200 people which include amplified music; commercial activity; and any event which is open to the public and involves the possession or consumption of alcoholic beverages, the sale of food items and/or beverages, or any commercial activity as defined in this chapter.

(f) The department shall notify the applicant within five days, excluding weekends and holidays, whether the permit request is granted or denied, and if the permit is denied, the reason for such denial.

(g) The department director or designee shall have the authority to revoke a permit upon finding a violation of any rule or regulation, or a material misrepresentation.

(h) The applicant may appeal the refusal or revocation of a permit to the county manager within five days after notification of such refusal by filing a written notice. However, the denial of a permit may not be appealed if the basis for denial was:

(1) That the park, recreation facility, or department managed land was previously reserved; or

(2) Due to a prior material misrepresentation of the applicant.

If the department decision is upheld, the appeal may be referred to the board of county commissioners. The board of county commissioners may consider the appeal at a regularly scheduled meeting. If the board does not meet within 30 days the board shall direct the department to issue the permit unless the department demonstrates that the herein permit requirements have not been met. In the event the board affirms the denial of the permit the applicant may immediately request review by a court of competent jurisdiction subject to the rules and laws governing application to such court.

Sec. 78-83. - Fees.

The board of county commissioners by resolution shall establish a schedule of charges and fees for the use of department owned or managed equipment, personal property and facilities. Fees, discounts, or special prices for activities and camping fees may be established or waived from time to time by the department director or designee. All fees may be automatically adjusted annually by the department director to reflect the percentage change in the consumer price index (CPI-U).

Sec. 78-84. - Reservations.

Reservation policies for parks, recreational facilities and department managed lands shall be established by resolution adopted by the board of county commissioners.

Secs. 78-85—78-99. - Reserved.

DIVISION 2. - PENALTIES, VIOLATIONS AND PROHIBITED CONDUCT

Sec. 78-100. - Penalty.

It shall be unlawful to violate any provision of this chapter. Any violation of this chapter shall be punishable by a fine not to exceed $500.00 or by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment as provided in subsection 1-7(c). Additionally, violations may result in cancellation of activities, forfeiture of applicable fees, assessment of additional damages or fees, and violators may be expelled, ejected and/or prohibited from future use of parks, recreational facilities, and department managed lands.

Sec. 78-101. - Material misrepresentation.

No person shall make material misrepresentations with the intent to obtain a facility use permit. Any applicant found to have made a material misrepresentation shall be subject to denial or revocation of the permit and shall be prohibited from obtaining a facility use permit for a period of not less than two years. Each misrepresentation shall constitute a separate offense.

Sec. 78-102. - Interference with personnel.

No person shall interfere with, hinder or oppose any officer, agent or employee of the department in the discharge of his duties or with the enforcement of the park regulations and rules shall be punishable pursuant to section 1-7.

Sec. 78-103. - Trespass.

No person shall enter or remain in any park, recreational facility, or department managed lands without a permit when closed, if the operating hours are posted at the entrance of such park, recreational facility or department managed lands. No person shall enter or remain in any park, recreational facility or department managed lands when closed after such person receives notice of the operating hours from a department employee or a law enforcement officer.

Sec. 78-104. - Remaining on property after request to leave.

No person who has violated a rule or regulation shall remain in a park, recreational facility or department managed lands after a department employee or law enforcement officer requests that such person leave or vacate the park, recreational facility or department managed lands.

Sec. 78-105. - Gatherings.

No person, group, organization or legal entity shall conduct or participate in any meetings, assemblies, entertainments, tournaments, religious or social gatherings, demonstrations, parades or processions, which are open to the public, without regard to the subject whether religious, social, political, or otherwise, in any park, recreational facility or department managed lands, without a permit, unless fewer than 50 individuals may reasonably be expected to be in attendance.

Sec. 78-106. - Aircraft and parachuting.

No person shall take off in or land any aircraft, glider or parachute in or upon any park, recreational facility, or department managed lands without contractual authority or a permit from the department.

Sec. 78-107. - Commercial activity.

No person shall sell, keep, or offer for sale any tangible or intangible object, merchandise or thing nor solicit for any trade, occupation, business or profession for consideration within any park, recreational facility, or department managed lands without a permit from the department. Compliance with all permit criteria must be met. There is no entitlement or right to conduct commercial activity within any park, recreational facility or department managed lands. The department may, in its sole discretion, deny any request to conduct commercial activity.

Sec. 78-108. - Posting signs.

No person shall post or affix to any tree, shrub, plant, fence, building, structure, monument, wall, table, apparatus, bridge, post, bench, corral, gate or any other physical object any sign, poster or other printed or written matter in any park, recreational facility, or department managed lands without a permit from the department. Applicant(s) shall not post signs except in permitted areas and must not violate any applicable rules and regulations.

Sec. 78-109. - Alcoholic beverages.

No person shall possess or consume alcoholic beverages in any park, recreational facility, or department managed lands except in an area designated and permitted for such purpose.

Sec. 78-110. - Noise.

No person shall use any loudspeaker or other electrical amplifying equipment nor shall any person play any electrically amplified musical instrument in any park, recreational facility, or department managed lands unless such activity is conducted as an incidental activity to a public meeting or assembly for which a permit has been issued. Compliance with all rules and regulations must be met.

Sec. 78-111. - Defacing, tampering with buildings and other property.

No person shall willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices, or placards whether temporary or permanent, monuments, stakes, posts or other structures, or equipment or any part of any aforesaid facilities, county property or appurtenances whatsoever, whether real or personal, in any park, recreational facility, or department managed lands. Any violator of this section shall also be liable for actual damages caused to county property.

Sec. 78-112. - Water activity.

No person shall swim, ski, dive, surf, scuba, fish or use boats in any area in any park, recreational facility, or department managed lands unless such area is specifically designated for such purpose.

Sec. 78-113. - Equestrian activity.

No horse shall be allowed in any park, recreational facility, or department managed lands except on roadways and bridle paths within areas designated for such purposes. No person shall be permitted to ride horseback in any park, recreational facility, or department managed lands after dark and before daylight unless a permit is granted from the department. It shall be unlawful for any person to fail to maintain control of any horse in such person's care, custody or control or to ride a horse in a reckless manner. All horses must have a report of a negative Equine Infectious Anemia test conducted within the previous 12 months reported on VS Form 10-11 (Apr 90), and such report must be presented to department personnel or law enforcement or other enforcement personnel upon demand.

Sec. 78-114. - Fires.

No person shall ignite, set or maintain any fire for cooking or any other purpose in any park, recreational facility or department managed lands unless such fire is within a designated area for such purpose.

Sec. 78-115. - Fireworks, weapons.

No person shall carry, fire or discharge any weapon or any rocket, torpedo or fireworks of any description in any park, recreational facility or department managed lands without a permit from the department except in areas designated for such purpose.

Sec. 78-116. - Wildlife and domestic animals.

(a) Unless otherwise permitted by law, no person shall feed, hunt, catch, harm, kill, trap, chase, tease, shoot or throw missiles at any animal nor remove or have in his possession the young of any wild animal or eggs or nest thereof in any park, recreational facility or department managed lands. Hunting may be allowed by permit in designated areas, subject to applicable governmental rules, regulations and agency requirements. No person shall abandon an animal in any park, or recreational facility, or department managed lands.

(b) No person shall bring an animal into any park, recreational facility, or department managed lands unless it is a service animal or it is an area designated for such purpose. The service animal must be under the control of its handler and must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control by means of voice control, signals, or other effective means. The service animal must be properly vaccinated and licensed. It is required to clean up after your service animal. Licenses and proof of vaccination must be presented to department personnel or law enforcementupon demand.

Sec. 78-117. - Distribution of literature.

No person shall distribute any handbill, circular, booklet, leaflet, flyer, card, pamphlet, sheet, written or printed matter in any park, recreational facility or department managed lands except in designated areas.

Sec. 78-118. - Pollution.

No person shall throw or place or cause to be thrown or placed, any dirt, filth, waste or foreign matter into the waters of any lake, pond, pool, river, inlet, tank or reservoir in any park, recreational facility or department managed lands.

Sec. 78-119. - Deposits of rubbish.

No person shall throw, place, cast, deposit, dump or cause to be thrown, any ashes, refuse, offal, vegetables, garbage, dross, cinders, shells, straw, shavings, paper, scraps, dirt or like matter, filth or rubbish of any kind in any park recreational facility, or department managed lands except to place the same in cans or receptacles provided for such matter.

Sec. 78-120. - Removal of natural resources.

No person shall remove any beach sand, whether submerged or not, any soil, rock, stones, plants, wood, or other materials, or make any excavation by tool, equipment, blasting or other means or agency in any park, recreational facility or department managed lands.

Sec. 78-121. - Protection of trees and vegetation.

No person shall remove, damage, cut, carve, or transplant, any tree, shrubbery, lawn or plant or injure the bark or pick the flowers or fruit thereof in any park, recreational facility or department managed lands. No person shall attach any rope, wire, or other contrivance to any tree or plant in any park, recreational facility or department managed lands.

Sec. 78-122. - Sleeping.

No person shall sleep, camp, lodge or park a vehicle overnight in any park, recreational facility or department managed lands except in areas designated for such purposes or if a permit is issued for other areas by the department.

Sec. 78-123. - Traffic.

(a) The state uniform traffic control laws, F.S. ch. 316, are incorporated by reference and made a part of this article and shall apply to the operation of all motor vehicles on streets and roads in county parks, unless modified herein. Department personnel and law enforcement are hereby authorized to direct traffic whenever necessary.

(b) No person shall operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, parking area or other area unless such road, driveway, path, parking area or other area has been designated by the department for such purpose. No person shall cause any vehicle for hire to stand upon any part of a park, recreational facility or department managed lands for the purpose of soliciting passengers.

(c) No person shall drive a vehicle at a rate of speed exceeding five miles per hour in any county park unless the department has designated, by posted sign, a greater speed limit.

(d) No person shall park any vehicle in any park, recreational facility or department managed lands except in other areas designated for parking. No person shall leave any vehicle standing or parked at night without lights clearly visible at least 200 feet from said vehicle except in legally established parking areas or designated campsite areas.

(e) No person shall enter or exit from any park, recreational facility or department managed lands in any vehicle except at entrances and exits established for such purpose by the department.

Sec. 78-124. - Utilities.

No person shall locate any utility upon any park, recreational facility or department managed lands without receiving a permit from the department.

Sec. 78-125. - Organized activities.

No person shall play or participate in any game or organized activity including but not limited to football, soccer, baseball, basketball, or any such game, in any park, recreational facility or department managed lands, except in areas designated for such use.

Sec. 78-126. - Smoking and tobacco products.

No person shall smoke or use tobacco products in any youth athletic area, playground area, indoor facility, nor in any area designated as a no smoking area. No person shall smoke or use tobacco products at any athletic area located on county school board property.

Sec. 78-127. - Contributions and sponsorships.

(a) The department director and/or designee is authorized to solicit and accept individual co-sponsorships and contributions of cash, goods, and services up to $35,000.00 from persons, service clubs, groups, and businesses in support of county programs, events, and activities in the parks and provide acknowledgements in materials associated with promotion and conduct of the program, event or activity.

(b) The department director and/or designee may through co-sponsorships with non-profit and not for profit organizations for special events collect donations that may be given to the co-sponsored organization.

Sec. 78-128. - Grants.

The department director is authorized to procure grants and execute any documents as required by the granting authority for the application process of the grant; including but not limited to resolutions, applications, contracts, establish budgets and amendments based on the approval levels in County Administrative Order AO—29.

Secs. 78-129—78-145. - Reserved.

DIVISION 3. - RESERVED

Secs. 78-146—78-148. - Reserved.