

## PART 7. - RULES AND ENFORCEMENT

### Sec. 28.701. - Definitions.

In this Part, unless the context otherwise requires:

- (a) *Beach* means the zone of unconsolidated material that extends landward from the mean high-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.
- (b) *Dock* means any fixed or floating structure owned or operated by the City of Jacksonville to which watercraft may be moored. Watercraft moored to a dock do not constitute an extension of the dock.
- (c) *Marina* means the docks and boat launching facilities at the Metropolitan Park Marina and the St. Johns River Marina. Watercraft moored at or launched from a marina do not constitute an extension of the marina.

(Ord. 2007-839-E, § 7)

### Sec. 28.702. - Exclusions.

Sovereign submerged lands, navigable waters and public trust beaches of the state are excluded from this Chapter except where specific legislative powers, governmental regulations, or permits have been granted to the City of Jacksonville by the legislature.

(Ord. 2007-839-E, § 7)

### Sec. 28.703. - Rules; enforcement.

- (a) Under Section 28.103(e), the Director of Recreation and Parks (hereinafter referred to as the "Director") has the power and authority to adopt rules for the management, operation and control of parks and other recreational facilities, and for the use and occupancy, management, control, operation, care, repairing and maintenance of all structures and facilities thereon, and all land on which the same are located and operated. By way of example, but not by way of limitation, such rules may provide for the following:
  - (1) Preservation of property, vegetation, wildlife, signs, markers, buildings or other structures and any object of scientific or historic value or interest;
  - (2) Restricting or limiting the use of any area as to time, manner or permitted activities;
  - (3) Prohibition of conduct which may be reasonably expected to substantially interfere with the use and enjoyment of park and recreation areas by the general public or to be of general nuisance;
  - (4) Necessary sanitary, health and safety measures;
  - (5) Camping and picnicking, including place, time and manner where such shall be permitted;
  - (6) The use of motor vehicles and boats as to place, time and manner of operation;
  - (7) Control and limitation of fires and designation of places where fires shall be permitted;
  - (8) Requirements essential for the preservation and management of the park and recreation system.
- (b) It shall be unlawful for any person to violate any such rules adopted and published pursuant to this Chapter. Any person violating any rule or regulation adopted by the Director and adopted and published by this Chapter shall be guilty of a Class C offense, unless otherwise specified.

Enforcement of Chapter 28 shall be by any "law enforcement officer," "part-time law enforcement officer," or "auxiliary law enforcement officer" as such terms are defined in F.S. § 943.10. Enforcement of any other rule or regulation adopted by the Director, or his designee shall be by the exercise of police powers held by the Director under Section 28.103 or as otherwise provided by law. The Director may also impose and collect from violators of rules not adopted and published by this Chapter an administrative, noncriminal fine not to exceed \$100 per violation, in accordance with procedures established in the rules adopted by the Director.

(Ord. 2007-839-E, § 7; Ord. 2011-732-E)

Sec. 28.704. - Adoption of rules.

- (a) Any proposed rules and any amendments to the rules shall be referred by the Director to the City Council Standing Committee (the "Committee") to which bills addressing parks and recreation are referred. Within 60 days of the Committee's receipt of the proposed rules or amendments to the rules, the Committee shall approve the proposed rules or amendments, or shall disapprove the proposed rules or amendments and make recommendations to the Director in the format approved by Council Rules.
- (b) Upon approval of any proposed rules or amendments by the Committee, the Director shall cause to be published, in a newspaper of general circulation within the City and in all places where notices of public meetings are customarily placed by the Department, a notice of proposed rule-making at least 20 days before conducting public hearings on the proposed rules or amendments to the rules. The notice shall include the following information:
  - (1) The date, time, place, and subject of the public rule-making hearing;
  - (2) The requirements, if any, for interested parties to notify the Director of their intent to participate in the hearing, including the manner of such notice and the deadline for such notice; and
  - (3) A statement that the complete text of the proposed rules or amendments is on file with and may be examined at the office of the Director.
- (c) The Director may make changes in the text of the proposed rule or proposed amendment prior to, during, or as a result of the public hearing.
- (d) Any person who wishes to comment on proposed rules may do so in writing delivered to the Director prior to the date of the hearing or in person at the hearing, subject to any requirements for participation set out in the notice of hearing. If minutes are not prepared, the Director shall preserve the proceedings at the hearing on audio magnetic tape or similar audio-recording media so that the proceedings may be transcribed at a later date at the expense of the one requesting a transcript of the hearing.
- (e) The rules shall become effective upon dating and signing of the rules by the Director and the approval of the rules for legality by the Office of General Counsel.
- (f) Within seven (7) business days after adoption of the rules, the Director shall file a copy of the rules as finally adopted with the Legislative Services Department and the Office of General Counsel and shall cause to be published a notice of their adoption in an official publication of the City. The notice shall also include a statement that the rules are on file with the Director and available for public inspection and copying.
- (g) Any judicial or quasi-judicial action to contest the validity of the procedure in adopting the park rules may not commence more than 120 days after the adoption of the rule.

(Ord. 2007-839-E, § 7)

Sec. 28.705. - Daily park hours.

- (a) The parks and other recreational facilities shall normally be open daily to the public from sunrise to sunset unless otherwise posted; provided however, the Director may extend or limit the times herein specified. It shall be unlawful for any person, other than authorized personnel, to go upon or remain in any park or other recreational facility at any time the same is closed to the public.
- (b) The beaches shall normally be open from sunrise to sunset, unless otherwise posted; provided however, the Director may extend or limit the times herein specified when circumstances of public safety, necessity or other cause, where such action is taken in the public interest and is not to the detriment of the public, at large.
  - (1) The Director shall develop and implement a uniform warning and safety flag system from use on beaches consistent with the provisions of F.S. § 380.276.
  - (2) It shall be unlawful for any person, other than authorized personnel, to go upon or remain in any beach at any time the same is closed to the public.
- (c) The docks and marinas shall normally be open daily to the public as follows: the docks and marinas shall be open as designated by the Director; provided however, the Director may extend or limit the times herein specified. It shall be unlawful for any person, other than authorized personnel, to go upon or remain in any dock or marina at any time the same is closed to the public.
- (d) The Director may at his or her discretion, for special events requiring the use of certain parks, allow or require the sponsors of, promoters of, or participants in special events to erect, construct or otherwise prepare and dismantle and remove the facilities for and clean up the area in and around such events during specific times including hours between 11:00 p.m. and 5:00 a.m., so as not to disrupt traffic in the streets surrounding the location of the special event.
- (e) The Director may, for special events in the Downtown Events Area, issue permits for special events which will occur during the times that the parks are not normally open and may additionally allow or require the sponsors of, promoters of, or participants in such events to erect, construct or otherwise prepare and dismantle and remove the facilities for and clean up the area in and around such events during specific times including the hours between 11:00 p.m. and 5:00 a.m., so as not to disrupt traffic in the streets surrounding the location of the special event.

(Ord. 2007-839-E, § 7)

Sec. 28.706. - Closure or restriction of areas.

Except as otherwise specifically provided in this Chapter, in accordance with the rules adopted by the Director, any park, beach, dock, marina or other recreational facility, or any section or part thereof, may be closed to the public by the Director, or any duly authorized agents, at any time and for any interval of time, whether temporarily or at regular and stated intervals (daily or otherwise), and whether entirely or merely to certain uses, as the Director shall find reasonably necessary. It shall be unlawful to swim, boat or otherwise enter or go upon any area or part of any park, beach, dock, marina or other recreational facility when it is closed to the public by the Director or any duly authorized agent.

(Ord. 2007-839-E, § 7)

Sec. 28.707. - Reservation of areas.

In accordance with the rules adopted by the Director, written permits reserving recreation areas and structures may be issued. It shall be unlawful for any person to violate the terms and conditions of written permits issued by the Director or any duly authorized agent, or for persons other than the permittee and the permittee's guests and invitees to intrude on the reserved area(s) during the reservation period. When no permit has been issued, then the use of such areas shall be in accordance with the rules adopted by the Director.

(Ord. 2007-839-E, § 7)

Sec. 28.708. - Destruction of park property unlawful.

- (a) It shall be unlawful for any person, other than authorized personnel, to cut, mark, remove, break or climb upon or in any way injure, damage or deface the trees, shrubs, plants, turf or any of the buildings, fences, bridges, monuments, fountains, back stops, goal posts, coin meters or other structures or property within or upon any park, beach, dock, marina or other recreational facility.
- (b) It shall be unlawful for any person, other than authorized personnel, to pick or remove any vegetation in any park, beach, dock, marina or other recreational facility, or to go or enter areas of any park, beach, dock, marina or other recreational facility which are posted for no entry or no trespass.

(Ord. 2007-839-E, § 7)

Sec. 28.709. - Camping and erection of tents and buildings prohibited.

Unless authorized by rule:

- (a) It shall be unlawful for any person to camp or otherwise sleep overnight in or upon any park, beach, dock, marina or other recreational facility, without first having obtained a permit to do so from the Director; provided however, no permit shall be required at Katherine Abby Hanna Park or Huguenot Park, provided any applicable fees have been paid.
- (b) It shall be unlawful for any person, other than authorized personnel, to build or place any tent (except for tents designed for sun shelter and used during daylight hours), building, shack, booth, stand or other structure in or upon any park, beach, dock, marina or other recreational facility, without first having obtained a permit to do so from the Director; provided however, no permit shall be required at Katherine Abby Hanna Park or Huguenot park.

(Ord. 2007-839-E, § 7)

Sec. 28.710. - Fires prohibited.

- (a) It shall be unlawful for any person, other than authorized personnel, to light or tend any open fire within any park, beach, dock, marina or other recreational facility, unless such fire is contained in a fireplace or grill constructed for that purpose, is located in an area approved for such fire, and is tended in accordance with rules adopted by the Director. All fires permitted by the Director shall be completely extinguished before leaving the area.
- (b) It shall be unlawful for any person to light or tend any fire in a fireplace, grill, or other receptacle within a park, beach, dock, marina or other recreational facility in violation of a fire ban declared by the Fire Chief, whenever the Fire Chief has for public safety reasons declared a fire ban at any park, beach, dock, marina, or other recreational facility, or in any areas or sections thereof.
- (c) The minimum fine for violation of this Section while a fire ban is in effect shall be \$500.

(Ord. 2007-839-E, § 7)

Sec. 28.711. - Fireworks prohibited.

- (a) It shall be unlawful for any person, other than authorized personnel, to possess, sell, ignite, or discharge any fireworks within any park, beach, dock, marina, or other recreational facility.
- (b) The minimum fine for violation of this Section while a fire ban is in effect shall be \$500.

(Ord. 2007-839-E, § 7)

Sec. 28.712. - Alcoholic beverages.

- (a) It shall be unlawful to sell or possess alcoholic beverages at any place within any park or other recreational facility except at those places where an existing and current retailers license or permit for the sale thereof shall have been issued pursuant to the laws of the state.
- (b) Beer, wine and liquor may be sold in the parks listed in the Downtown Events Area, as defined in Section 154.107, Ordinance Code, as modified from time to time, when the Director has issued a special events liquor permit. A special events liquor permit may only be issued to persons holding an appropriate liquor license.

(Ord. 2007-839-E, § 7)

Sec. 28.713. - Peddling prohibited.

It shall be unlawful to offer any goods, services or things for sale or trade within any park, beach, dock, marina or other recreational facility, or on the streets and sidewalks within 300 feet of the boundary of the same, without first having obtained a license or permit to do so in the manner and pursuant to terms and conditions fixed by law, including Section 614.106, Ordinance Code, as may be amended from time to time.

(Ord. 2007-839-E, § 7)

Sec. 28.714. - Disturbance of the peace.

It shall be unlawful for any person within any park, beach, dock, marina or other recreational facility of the City to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, or by loud or unusual noises, or by unseemly profane, vulgar, obscene, or offensive language or conduct, or to assault, strike or fight another, or to in any other way breach the peace.

(Ord. 2007-839-E, § 7)

Sec. 28.715. - Fishing.

Fishing shall be permitted at designated fish management areas. It shall be unlawful for a person to fish, use a seine, or cast or use drag nets from City-owned property posted "NO FISHING" by the Director or other authorized official. The following areas shall be posted "NO FISHING": adjacent to boat approaches to boat ramps and within 30 feet along the shoreline on either side of the ramp; pedestrian ways and picnic tables; within 15 feet of playgrounds and other planned active recreation areas; and, floating docks designated for boat mooring, and attached gangways.

(Ord. 2007-839-E, § 7)

Sec. 28.716. - Sanitation controls.

- (a) It shall be unlawful for any person to send any animal into, or throw or deposit any article or thing into the waters of any park or other recreational facility.
- (b) It shall be unlawful for any person to fail or refuse to remove and properly dispose of solid animal waste of pets or other animals brought into any park, beach, dock, marina or other recreational facility by said person.

- (c) It shall be unlawful and an offense for any person to bathe, swim, or be in, or to wash any object in, any fountain in any City park.
- (d) It shall be unlawful and an offense for any person to bathe, swim, or be in, or to wash any object in any City lake, pond or other body of water if a sign is posted prohibiting such activity.
- (e) Any person violating a provision of this Section shall be guilty of an offense and shall upon conviction and adjudication of guilt be punished as follows:
  - (1) For a first offense, by a fine of not more than \$25 or by imprisonment of not more than ten days or by community service of not less than 50 hours; and
  - (2) For a second and any subsequent offense, by a fine of not more than \$500 or by imprisonment of not less than 15 days nor more than 90 days or by community service of not less than 500 hours.

(Ord. 2007-839-E, § 7)

Sec. 28.717. - Abandoning animals prohibited.

It shall be unlawful for any person to abandon in any park, beach, dock, marina or other recreational facility any fish, water fowl, birds, reptiles or any animals whatsoever.

(Ord. 2007-839-E, § 7)

Sec. 28.718. - Hunting or disturbing animals prohibited.

- (a) It shall be unlawful for any person to hunt or disturb in any manner any of the fish, water fowl, birds, reptiles or any animals whatsoever present in, belonging to or preserved in any park or other recreational facility.
- (b) The foregoing prohibitions shall not apply to hunters with an access permit from the Division of Forestry, to take wildlife at the Cecil Commerce Center Conservation and Recreation Corridor during hunting seasons approved by the Director or to hunters on any Wildlife Management Area (including, but not limited to, Thomas Creek Wildlife Management Area - Kings Road Unit), Wildlife and Environmental Areas, Restricted Hunting Areas, Public Small Game Hunting Areas or Private Hunting Preserves established or permitted by the Fish and Wildlife Conservation Commission within the City of Jacksonville and Duval County.

(Ord. 2007-839-E, § 7; Ord. 2008-148-E, § 2)

Sec. 28.719. - Loose animals prohibited.

- (a) It shall be unlawful for any person to allow any animal to be loose upon any park, beach, dock, marina or other recreational facility, except at any dog park hereafter established expressly for such purpose.
- (b) It shall be unlawful for any person to allow any horses, cattle, sheep, goats, hogs, or any other livestock whatsoever to pasture, graze or run at large within the limits of any park, beach, dock, marina or other recreational facility; provided, however, this Section shall not apply to animals placed within enclosures by the City.
- (c) Any person employing or using the services of any person who violates the provisions of this Section shall be liable as principal for the breach hereof, and the person having control of such animals or livestock shall be liable for any breach hereof.

(Ord. 2007-839-E, § 7)

Sec. 28.720. - Bottles prohibited; littering prohibited.

- (a) It shall be unlawful for any person to bring, or to have in his or her possession, any glass bottle or glass container, in any park, beach, dock, marina or other recreational facility.
- (b) It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or glass containers, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash, in or upon any park, beach, dock, marina or other recreational facility.
- (c) It shall be unlawful for any person utilizing the facilities of any park, beach, dock, marina or other recreational area or facility to leave such area or facility without first having completely extinguished fires, nor before placing in disposal receptacles, where provided, all trash in the nature of boxes, papers, cans or other containers, garbage and other refuse in the possession of such person. If no disposal receptacle is available, then such person shall carry away all such refuse or trash in his or her possession from the area, to be disposed of in a proper and legal manner elsewhere.

(Ord. 2007-839-E, § 7)

Sec. 28.721. - Vehicles and bicycles.

- (a) It shall be unlawful for any person, other than authorized personnel, operating a vehicle, including bicycles and other human-powered devices or wind or motorized recreational vehicles, in any park, beach or other recreational facility to fail or refuse to obey all traffic signs or other traffic-control devices regulating the operation, stopping or parking of vehicles. This Section shall not apply to those operating motorized wheelchairs, vehicles designed to assist people with disabilities, and City registered Park vehicles.
- (b) It shall be unlawful for any person, other than authorized personnel, to park or drive a motorized vehicle or motorized recreational vehicle on lawns, fields, beaches or any places other than upon roadways and parking areas clearly constructed and established for such purposes within any park, beach, dock, marina or other recreational facility.
- (c) It shall be unlawful for any person, other than authorized personnel, operating a motorized vehicle or motorized recreational vehicle, in any park, beach, dock, marina or other recreational facility to ride anywhere except upon roadways, sidewalks, bike paths, parking areas, and other designated trails and pathways which have not been closed to such traffic by the Director. The operation of remote control cars, boats, airplanes, go-carts and skateboards shall be permitted in designated areas of designated parks only.

(Ord. 2007-839-E, § 7)

Sec. 28.722. - Solicitation of passengers prohibited.

It shall be unlawful for any person to solicit anyone utilizing the facilities of any park, beach, dock, marina or other recreational area or facility for passage in any vehicle for hire or gratis upon any park premises without special permission in writing from the Director.

(Ord. 2007-839-E, § 7)

Sec. 28.723. - Boating.

- (a) It shall be unlawful for any person to bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any property owned or controlled by the City except at places and

during such hours as may be designated for boating by the Director. Such activity shall be in accordance with applicable rules as are now or may hereafter be adopted. This Section shall not be construed to exclude the operation of model watercraft, if such operation is otherwise permitted under Section 28.721(c).

- (b) Docking at any City dock is subject to the provisions of Chapter 615 (Docking), Ordinance Code.
- (c) It shall be unlawful for any person to navigate, direct or handle any boat in a reckless, careless or unsafe manner.
- (d) It shall be unlawful for any person to dive from a City dock or any vessel tied to a City dock, unless the event has been authorized by City permit.

(Ord. 2007-839-E, § 7; Ord. [2015-213-E](#), § 1)

Sec. 28.724. - Swimming and beach activities.

- (a) It shall be unlawful for any person to swim in any bodies of water on or around public parks unless specifically designated for such use, or unless the event has been authorized by City permit. The beaches are open for swimming unless closed, pursuant to Sections 28.705 and 28.706, as may be amended from time to time.
- (b) It shall be unlawful for children at the beach, under the age of 12, not to be supervised by a person over the age of 18.
- (c) It shall be unlawful for children at City pools under the age of 10, not to be supervised by a person over the age of 18.

(Ord. 2007-839-E, § 7; Ord. [2015-213-E](#), § 1)

Sec. 28.725. - Gambling prohibited.

- (a) It shall be unlawful for any person to participate in gambling, including social gambling, within any park, beach, dock, marina or other recreational facility.
- (b) "Gambling" means risking any money, credit, deposit or other thing of value for gain contingent in whole or in part upon lot, chance, the operation of a gambling device, or the happening or outcome of an event, including a sporting event, over which the person taking a risk has no control, but does not include:
  - (1) Bona fide contests of skill, speed, strength or endurance in which awards are made only to entrants or to the owners of entries; or
  - (2) Bona fide business transactions which are valid under the law of contracts; or
  - (3) Other acts or transactions now or hereafter expressly permitted.

(Ord. 2007-839-E, § 7)

Sec. 28.726. - Unauthorized persons prohibited from golf facilities.

- (a) The Director may, upon such terms and conditions as the Director may provide, authorize the starter or other official to admit participants and spectators upon any City owned or operated golf facility.
- (b) It shall be unlawful for any person to go upon any City owned or operated golf facility in violation of the rules adopted by the Director. If any person persists in remaining thereon after being instructed to leave by the starter or other authorized official of the facility or the Recreation and Parks Department, said person shall be guilty of a class C offense.



(c) The rules and provisions of Chapter 28 (Parks, Recreation and Community Services) shall apply to all City owned golf courses.

(Ord. 2007-839-E, § 7; Ord. 2011-732-E; Ord. 2013-209-E, § 40)

Sec. 28.727. - Unlawful to golf without paying fee.

It shall be unlawful for any person to enter upon any golf course owned or operated by the City and to play golf thereon, without first having paid the required fee and having secured a ticket from the person in charge of the golf course for the privilege of playing golf thereon.

(Ord. 2007-839-E, § 7)