

Chapter 16 PARK REGULATIONS

Sec. 16- 1. Necessity for regulations.

The regulations contained in this chapter are necessary for the purposes of:

- (a) Avoiding conflicts between users of City parks and prohibiting any users, or group of users, from infringing on the rights of others' use and enjoyment of the park and its amenities;
- (b) Preventing acts of vandalism, disturbances of the use and enjoyment of City parks by others, and disturbances of the peaceful and quiet use and enjoyment of nearby residential uses by their occupants; and
- (c) The imposition of requirements upon adults to control the conduct of juveniles under their control or be responsible for the consequences of such juveniles' behavior in City parks.

(Ord. No. 1224-98 <sec> 2; 07-15-98)

Sec. 16- 2. Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meanings, unless the context in which such word or phrase is used clearly indicates a different intended meaning:

- (a) "Juvenile" means any person under the age of eighteen (18) years.
- (b) "Legal guardian" of a juvenile means any person who, pursuant to court order, is designated as having lawful custody of a juvenile or as guardian of the person of a juvenile.
- (c) "Smoking" means inhaling, exhaling, burning, carrying or possessing any lighted tobacco product including cigarettes, cigars, pipe tobacco and any other lighted tobacco product, as well as the inhaling, vaping and use of electronic cigarettes.

(Ord. No. 1224-98 <sec> 2; 07-15-98; Ord. No. 1636-10, <sec> 1, 5-5-10; Ord. No. 1883-17, <sec> 1, 11-01-2017)

Sec. 16- 3. Areas of applicability.

Except as otherwise provided in Section 16-4, the regulations set out in the following section 16-4 shall be applicable and shall control the conduct of all persons within the boundaries of any City park which is clearly identified at the vehicular and pedestrian entrances thereto as a City park, whether or not said park is dedicated to public use or is owned by the City or any City-created entity. The park identification at entrances shall be a sign of at least six (6) square feet, including the name of the park, a notation that it is a "City of Punta Gorda Park," and a statement that conduct in the park is

regulated by Chapter 16 of the Code of Ordinances, City of Punta Gorda.

(Ord. No. 1224-98 <sec> 2; 07-15-98; Ord. No. 1636-10, <sec> 1, 5-5-10)

Sec. 16- 4. Regulations.

Within all areas specified in section 16-3 above, the following regulations shall apply:

- (a) Vandalism. No person may willfully injure or damage by any means, in any City park, the real or personal property of another person or of a public agency, including the placing of graffiti or any toxic or odious substance or bodily waste thereon. Personal property of the City subject to this prohibition shall include the landscaping plants, trees, fixtures, improvements and equipment located in the park.
- (b) Loud soundmaking devices. Except as part of a special event approved by the City, no person may operate any radio, tape player, CD player, or other electronically amplified soundmaking device or instrument so that the same is plainly audible at a distance of one hundred (100) feet or more from the device or instrument.
- (c) Operation of motor vehicles. No motor vehicle may be driven in any City park at a speed in excess of eleven (11) miles per hour, nor in a reckless manner (as defined in Florida Statutes, Section 316.192), nor in a careless manner (as defined in Florida Statutes, Section 316.1925).
- (d) Possession of tobacco by juvenile. No juvenile may be in possession of any cigarette or other tobacco product in any City park.
- (e) Skateboards, rollerblades, and bicycles on surfaces not designed for them. In any City park, no person may ride or operate any skateboard, rollerblade, or bicycle, or any similar wheel-driven device, vehicle, toy or equipment, upon any table, bench, stair, stair rail, or other fixture or improvement, except on paved walkways, roadways, and parking areas, and except on specific fixtures designed for such use in an area designated for such use in an area designated and signed for such activity.
- (f) Breaches of the peace; other unlawful conduct. Within any City park, no person may engage in fighting or brawling; commit any lewd or lascivious act, including sexual intercourse; threaten or assault or batter any other person; or unreasonably interfere with the peaceful use and enjoyment of the park and its facilities by any other person.
- (g) Animals.

It shall be unlawful and a violation of the Punta Gorda Code for any person owning or having charge, care, custody or control of any animal to take or allow such animal into or on any public beach, public park or public playground in the City except:

1. Leashed dogs shall be permitted in Laishley Park, Alice Park, Pittman Park, Nature Park and on the Punta Gorda Pathways. Dogs must be under physical control at all times and shall not interfere with other pedestrians or bicyclists.
2. Dogs are permitted without leashes in that area that has been fenced and delineated as the City's dog park, otherwise known as "Hounds on Henry."
3. Service dogs trained to assist or aid disabled persons and actually being used for the purpose of assisting or aiding such person in accordance with State law.
4. Animals under the control of a law enforcement officer.
5. Animals, as approved by the City Manager, which are participating in a special event permitted by the City.

While on public property, any person owning or having charge, care, custody or control are responsible for the cleanup and sanitary disposal of canine fecal matter in accordance with Section 5-2, Punta Gorda Code. Animals may not be left unattended in parked vehicles or be tethered to any tree, plant, building or park equipment. Animals must be vaccinated in accordance with State law and licensed pursuant to local county ordinance. Animals which disturb other park users, other animals or resources by being noisy, dangerous, intimidating or destructive will be considered a public nuisance as defined in Section 5-1, Punta Gorda Code. Violations of this section shall be enforced under Section 5-7, Punta Gorda Code.

- (h) Closed areas. No person shall enter into any fenced and locked area of any park or any closed and locked structure in any park.
- (i) Fishing from the Ponce de Leon Park boat ramp dock is prohibited at all times and the City Manager is hereby authorized to post signs designating "No Fishing".
- (j) Smoking. Smoking is hereby prohibited in the following areas: the Laishley Park Interactive Fountain, Gilchrist Park Kiddieland, Ponce de Leon Park Children's Area and Cooper Street Recreational Center.
- (k) Overnight parking. It shall be unlawful for any person to park any vehicle between the hours of 1:00 a.m. and 5:00 a.m. in Baker Park, Gilchrist Park, Nature Park, Trabue Park or Alice Park. Overnight parking shall be allowed in Laishley Park; however, vehicles cannot be slept in or occupied between the hours of 1:00 a.m. and 5:00 a.m., except that:
 - (1) One (1) fully self-contained recreational vehicle may be parked overnight in any City park when required for security purposes in conjunction with a City approved special event. Up to four (4) trailers/recreational vehicles may remain within a City park as part of an approved special event when the nature of the event is such that participants must be on site to monitor activities, such as overnight cooking; however, such requests will require

Special Council Approval.

The Charlotte County Health Department prohibits the discharge of any gray water or black water on to park property and will conduct inspections for special events when overnight recreational vehicle parking is requested. If any recreational vehicles in conjunction with the event are found to be in violation of the above regulations or the provision of the City adopted Special Event manual, the event organizer shall be cited and fined up to \$100 for a first offense and \$200 for a second offense.

- (l) Outdoor cooking, including the use of gas or charcoal grills, or other similar devices used for cooking, heating or other purposes, is prohibited in Lashley Park except for designated areas near the pavilions or as part of a special event permitted by the City. Dumping of charcoal, grease or impure water onto any park grounds is strictly prohibited.
- (m) Except as otherwise authorized through permit issued under the authority of the City Council, all City parks shall be closed between the hours of 11 PM and 5 AM. Any use of City Parks during such hours shall be prohibited. Notwithstanding the foregoing, any multi-use trail that runs through any City park shall remain open for the sole use of pedestrians actively engaged in walking or jogging, and bicyclists actively engaged in bicycling, provided such activities are limited to the paved portion of the multi-use trail. For the purposes of this limited exception, the paved portion of the multi-use trail shall neither include accessory structures such as benches, tables, and other structures or open areas adjacent to the paved portion of the multi-use trail nor Gilchrist Pier. For the purposes of this subsection, the term "bicycling" shall include any bicycle, electric bicycle, and electric personal assistive mobility device, as such terms are defined in Section 316.003, Florida Statutes. The prohibition contained in this subsection shall not apply to persons actively engaged in fishing on any of the following structures: Adrienne Street Pier; Justice Center Pier; Lashley Pier; and Nature Park Pier.

(Ord. No. 1224-98 <sec> 2; 07-15-98; Ord. No. 1345-02, <sec> 1, 11-20-02; Ord. No. 1430-06 <sec> 1; 03-15-06; Ord. No. 1493-07, <sec> 1, 6-20-07; Ord. 1636-10, <sec> 1, 5-5-10; Ord. No. 1653-10, <sec> 1, 10-6-10; Ord. No. 1674-11, <sec> 1, 3-16-11; Ord. No. 1685-11, <sec> 1, 7-13-11; Ord. No. 1722-12, <sec> 2, 9-19-12; Ord. No. 1744-13, <sec> 1, 5-1-13; Ord. No. 1772-13, <sec> 1, 11-20-13; Ord. No. 1818-15, <sec> 1, 05-20-2015; Ord. No. 1826-15, <sec> 1, 10-7-2015; Ord. No. 1835-15, <sec> 1, 12-2-2015; Ord. No. 1832-15, <sec> 1, 12-2-2015; Ord. No. 1983-2022, <sec> 1, 04-20-2022)

Sec. 16- 5. Enforcement.

- (a) Any person who violates the provisions of Section 16-4 shall be guilty of a non-criminal infraction. Enforcement of the provisions of this chapter shall be through means of citations issued for non-criminal infractions. Such citations may be issued by any City police officer and any Code Enforcement Officer of the City and shall be in such form as may be adopted for such use by the Chief of the Punta Gorda Police Department. The citation given to any violator shall specify the violation and the civil penalty therefor and shall notify the violator:

- (1) That the civil penalty must be paid at the Office of the City Clerk no later

than ten (10) days after the date the citation is issued unless the violation is appealed to the Code Enforcement Board, giving the address of the City Clerk's office;

- (2) That any appeal must be filed with the Code Enforcement Board Clerk, within ten (10) days after the date the citation is issued, in the Community Development Department, giving the address of the Community Development Department;
 - (3) That, if found guilty of the violation by the Code Enforcement Board on an appeal, the violator shall pay the assessed civil penalty as well as the cost of the appeal in the amount of Fifty Dollars \$50.00; and
 - (4) That if any civil penalty (and appeal cost, if applicable) is not paid within ten (10) days after the date the citation is issued, or within ten (10) after an order of the Code Enforcement Board finding the violator to be guilty if an appeal is timely filed, the violator shall be given a no trespass warning and shall not thereafter be allowed in any City park until such civil penalty (and any appeal cost, if applicable) is paid.
- (b) Any person issued a citation pursuant hereto shall comply with the directions on the citation. In the event that a civil penalty (and appeal cost, if applicable) is not paid within ten (10) days after the date the citation is issued, or within ten (10) days after an order of the Code Enforcement Board finding the violator to be guilty if an appeal is timely filed, an officer of the Police Department shall personally deliver to the violator a trespass warning pursuant to Section 16-8, below.
- (c) Any person who elects to contest a citation may appear before the City of Punta Gorda Code Enforcement Board to present evidence, provided a hearing is requested in writing, through the Code Enforcement Board Clerk in the City Community Development Department, within ten (10) days after the date of the citation. The Code Enforcement Board, after a hearing, shall make a determination as to whether a violation has been committed and, upon a finding that the violator is guilty, shall impose the civil penalty therefor, along with the cost of the appeal in the amount of Fifty Dollars \$50.00. Any person who receives a citation for a violation of any provision of this chapter and neither pays the civil penalty nor files a written appeal of the citation within ten (10) days after the date of the citation shall be deemed to have violated this chapter.

(Ord. No 1224-98 <sec> 2; 07-15-98; Ord. No. 1636-10, <sec> 1, 5-5-10)

Sec. 16- 6. Penalties.

- (a) Any person who violates any provision of Section 16-4 shall be assessed a civil penalty as follows:
- (1) For the first offense..... \$ 25.00

- (2) For the second offense \$ 50.00
- (3) For each subsequent offense \$100.00

(Ord. No. 1224-98 <sec> 2; 07-15-98)

Sec. 16- 7. Parents and legal guardians; violations; penalties.

(a) The parents and legal guardians of juveniles are hereby charged with the duty of reasonably supervising the activities of such juveniles so that the juveniles do not violate the provisions of Section 16-4; and failure to do so is a violation of this section. If the person charged with a violation of Section 16-4 is a juvenile, his or her parent or legal guardian shall be notified of the violation of this chapter, in person or by certified mail, at the address of the parent or legal guardian. If the juvenile again violates this chapter, after notification to the parent or legal guardian, the parent or legal guardian shall be deemed to have violated this section and shall be charged with a civil infraction for failure to reasonably supervise said juvenile. A parent or legal guardian who violates this section shall be assessed a civil penalty as follows:

- (1) For the first offense \$ 25.00
- (2) For the second offense \$ 50.00
- (3) For each subsequent offense \$100.00

(b) The citation and appeal provision of this chapter applicable to violations of Section 16-4 shall be applicable, as well, to violations of this section.

(Ord. No. 1224-98 <sec> 2; 07-15-98)

Sec. 16- 8. No trespassing notices.

(a) If any civil penalty (and appeal cost, if applicable) is not paid within ten (10) days after the date a citation for violation of this chapter is issued, or within ten (10) days after an order of the Code Enforcement Board finding the violator to be guilty if an appeal is timely filed, the violator shall be given a no trespassing warning and shall not thereafter be allowed in any City park until such civil penalty (and any appeal cost, if applicable) is paid.

(b) No trespass warnings given under this section shall be personally delivered, in writing, to the violator by an officer of the Punta Gorda Police Department. Said warning shall automatically be revoked upon payment of the civil penalty (and appeal cost, if applicable).

(c) While any no trespass warning given under this section is in effect, the person to whom the warning was given may not be present in any City park to which this chapter is applicable. The presence of the violator in any such park shall be a

trespass, and the violator may be arrested for and charged with trespass after warning.

(Ord. No. 1224-98 <sec> 2; 07-15-98)

Sec. 16- 9. Dog park rules and regulations.

(a) The City has designated and fenced a certain park area on Henry Street commonly known as "Hounds on Henry", wherein dogs are permitted without leashes. In order to protect the safety and welfare of park users and the citizens of the City of Punta Gorda, the following rules and regulations shall apply within the Hounds on Henry Dog Park:

1. No animals other than dogs are allowed in the park.
2. Dog owners must accompany their dog(s) at all times when inside the park.
3. Dogs are required to wear a collar with a current license attached and must be current on their rabies vaccines.
4. Dog owners are responsible for the clean-up/removal of their dog's feces. Owners must utilize the bag stations and trash cans for feces removal.
5. Female dogs in heat and dogs under the age of 4 months are prohibited from entering the park.
6. No glass containers are allowed inside of the park.
7. Smoking is prohibited in the park.
8. Aggressive dogs are not permitted on the premises and owners must immediately remove their dog from the park at first sign of aggression.

Owners should be respectful and courteous to others in the park. Owners are expected to know the temperament of their dog and are ultimately responsible for the actions of their dog at all times while inside of the park. Owners are discouraged from bringing food into the park and from feeding dogs as food aggression or allergies may occur. Owners are not exempt from the Charlotte County Animal Control Ordinances in regards to dangerous/aggressive animals and may be subject to a fine in the event a violation occurs. The City reserves the right to deny access to the park for any dog and their owner for failure to comply with these rules and regulations or Charlotte County Animal Control Ordinances.

(b) Enforcement and Penalty. Any person who violates any provision of Section 16-9 shall be guilty of a noncriminal infraction which shall be enforced pursuant to Section 16-5 and shall be assessed a civil penalty pursuant to Section 16-6, Punta Gorda Code.

(Ord. No. 1722-12, <sec> 2, 9-19-12)

Sec. 16- 10 Vietnam Veterans Memorial of Southwest Florida

- (a) Area of Applicability. The City has designated a certain area of Veterans Park as the "Vietnam Veterans Memorial of Southwest Florida". The City hereby designates the following area as a "limited designated public forum" as that term has been described by federal courts. The limited designated public forum area (hereinafter referred to as the "memorial area") is hereby bounded on the north and east by the Harborwalk Condominiums wall and access road, from these two lines perpendicular outside the two plaza areas at either end of the Memorial Wall then connected by a line between these two points across the pond.



- (b) Regulations. In addition to the park regulations contained in Section 16-4 of this Chapter, the following regulations shall apply within the designated memorial area:
- (1) Items and acts which are strictly prohibited:
 - a. Food and drink.
 - b. Smoking, as defined in Section 16-2 of this Chapter.
 - c. Animals, pursuant to Section 16-4(g) of this Chapter.
 - d. Biking, skateboarding, roller blading, fishing or any other recreational activity.
 - e. Climbing, sitting on or attaching anything to the wall.
 - f. Merchandise sales or admissions fees.
 - g. Demonstration or special events:
 - i. The term "demonstrations" includes demonstrations, picketing, speechmaking, marching, holding vigils or religious services and all like forms of conduct that involve the communication or

expression of views or grievances, engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd, onlookers or media interest. This term also does not include casual park use by visitors or tourists which does not have the intent or propensity to attract a crowd or onlookers.

- ii. The term "special events" includes sports events, pageants, celebrations, historical reenactments, regattas, entertainments, exhibitions, parades, fairs, festivals and similar events which are not demonstrations under paragraph (4)a. above, and which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd, onlookers or media interest. This term also does not include casual park use by visitors or tourists which does not have the intent or propensity to attract a crowd or onlookers.
 - h. Equipment setup including, but not limited, to microphones, speakers, lights or musical instruments. Except that a bugler playing Taps may stand and play from either of the two plaza areas.
- (2) Stages and sound equipment permitted in other areas of Veterans Park may not be closer than fifty (50) feet from the boundaries of the designated memorial area. Sound shall be directed away from the wall at all times.

(Ord. No. 1883-17, <sec> 2>, 11-01-2017)

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