

## **ORDINANCE NO. 9840-25**

AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA MAKING AMENDMENTS TO THE CODE OF ORDINANCES BY AMENDING CHAPTER 22; ARTICLE II SECTION 22.24(1) AND 22.42(6); BY AUTHORIZING THE LIMITED USE OF CERTAIN VEHICLES ON PUBLIC BEACHES BY PERMIT PURSUANT TO AMENDMENTS TO F.S. 161.58; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Clearwater adopted the Code of Ordinances on February 4, 1993; and

WHEREAS, the City has made numerous amendments to the Code of Ordinances to account for changing conditions within the City; and

WHEREAS, the City has recognized that certain language within the subject Chapter may be incorrect, inaccurate, ambiguous and/or outdated; and

WHEREAS, the City wishes to provide for the safe and appropriate use of its Parks and Facilities while also maintaining the character of the surrounding neighborhoods; and

WHEREAS, the proposed change will provide for the operation of certain private sector vehicles allowing for the setup and retrieval of rental equipment pursuant to recent amendments to F.S. 161.58. A permit will be required to be applied for and then renewed annually on or by September 30<sup>th</sup>; and

WHEREAS, the City desires for the Code of Ordinances to function effectively and equitably throughout the City; and

WHEREAS, the City wishes to address the varying needs of the City's diverse population when creating and implementing parks and recreation plans pursuant to Goal PPP 1, Policy PPP 1.1.1, and Policy PPP 3.1.4 of the Parks & Public Places Element of the City's Comprehensive Plan; and

WHEREAS, the City has determined that this amendment to the Code of Ordinances promotes and supports the public health, safety, morals, and welfare, of the City's residents.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER, FLORIDA:

Section 1. That Chapter 22 – Parks, Beaches, Recreation, Article II, Sections 22.24(1) and 22.42(6) be amended to read as follows:

### **Sec. 22.24. Authority to regulate beaches, park property, and the Courtney Campbell Recreation Area.**

- (1) The city manager is empowered in the exercise of the city manager's discretion to regulate the time, place and manner in which the public beaches, park property of the city, and the Courtney Campbell Recreation Area, or any portion thereof, are to be used and enjoyed by the public and to authorize the posting of signs regulating public use. In so doing, the city manager is to give due regard to the safety facilities available thereat, the preservation of public property, the number of persons who can be safely protected and safeguarded at the particular location, authorize permits for off-highway vehicle (as defined pursuant to F.S. 317.0003) traffic on coastal beaches, and the health and welfare of the public using and wishing to use such facilities. The directions of the city manager given pursuant to the authority contained in this ~~section~~ Section are declared to have the effect of law and shall be

enforced by the police officers of the city. See Appendix A for Schedule of Fees, Rates and Charges for the use of Parks and Recreation facilities.

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**Sec. 22.42. - Traffic regulations.**

Applicable state vehicle traffic laws as contained in F.S. ch. 316 shall apply in and about all park property and public beaches, and in addition thereto the following rules shall be applicable on roads and driveways within parks:

- (1) No person driving, operating, controlling or propelling any vehicle shall use any road or driveway other than the regularly designated park roads or driveways, except when directed to do so by a law enforcement officer, directional signs, or department employee.
- (2) The operator of any vehicle must obey all signs in regard to speed limits, danger, direction of traffic, and other traffic rules specifically applicable in park areas.
- (3) All law enforcement officers and department employees are hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and recreation areas. All persons shall comply with any lawful order, signal, or direction of law enforcement officers and department employees.
- (4) No person shall drive a vehicle at a speed greater than is reasonable or prudent, having due regard for the surface, width and condition of paving and the traffic thereon. All motorized vehicles shall give right-of-way to pedestrians or self-propelled vehicles. Maximum speed shall be 15 miles per hour in all city parks.
- (5) No person shall cause any vehicle to enter any city park except through the designated park entrance, except for authorized emergency vehicles when conditions warrant.
- (6) No unauthorized person shall drive, operate, control, or propel any vehicle on any public beach at any time unless otherwise authorized via permit.

Section 2. Amendments to the Code of Ordinances of the City of Clearwater are hereby adopted to read as set forth in this Ordinance.

Section 3. The City of Clearwater does hereby certify that the amendments contained herein, as well as the provisions of this Ordinance, are consistent with and in conformance with the City's Comprehensive Plan.

Section 4. Should any part or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part declared to be invalid.

Section 5. Notice of the proposed enactment of this Ordinance has been properly advertised in a newspaper of general circulation in accordance with applicable law.

Section 6. This ordinance shall take effect immediately upon adoption.

PASSED ON FIRST READING

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PASSED ON SECOND AND FINAL  
READING AND ADOPTED

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Bruce Rector  
Mayor

Approved as to form:

Attest:

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Melissa Isabel, Esq.  
Senior Assistant City Attorney

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Rosemarie Call, MPA, MMC  
City Clerk