

CHAPTER 6-1. GENERAL PROVISIONS

(RESERVED)

CHAPTER 6-2. PARKS AND RECREATION BOARD<sup>2</sup>

Footnotes:

--- (2) ---

**Editor's note**— Ord. No. 06-10, § 2, adopted Feb. 11, 2010, changed the title of Ch. 6-2 from "Recreation Board" to "Parks and Recreation Board." It should also be noted that Ord. No. 06-10, § 2, provided that references in the Code to "recreation board" are hereby amended to read "parks and recreation board".

Sec. 6-2-1. - Establishment; composition; compensation; terms of office; vacancies and removal.

There is hereby established a parks and recreation board of the city. This board shall consist of nine (9) persons serving without pay who shall be appointed by the city council. The term of office shall be for three (3) years or until their successors are appointed and qualified. Vacancies on the board occurring otherwise than by expiration of term shall be filled by the city council for the unexpired term.

It is the expressed intent of this city to recognize the importance of balance in the appointment of minority and nonminority persons to membership on the parks and recreation board and to promote that balance through the provisions of this section.

For purposes of this Code Section, "minority person" means:

- (a) An African American; that is, a person having origins in any of the racial groups of the African Diaspora.
- (b) A Hispanic American; that is, a person of Spanish or Portuguese culture with origins in Spain, Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race.
- (c) An Asian American; that is, a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands, including the Hawaiian Islands prior to 1778.
- (d) A Native American; that is, a person who has origins in any of the Indian Tribes of North America prior to 1835.
- (e) An American woman.

In addition, the city recognizes the importance of including persons with physical disabilities on this board. Furthermore, it is recognized that the parks and recreation board plays a vital role in shaping public policy for the city, and the selection of the best-qualified candidates is the paramount obligation.

In appointing members to the parks and recreation board, the city council should select, from among the best-qualified persons, those persons whose appointment would ensure that the membership of the board accurately reflects the proportion that minority persons represent in the population of the city as a whole, unless the law regulating such appointment requires otherwise, or minority persons cannot be recruited. If the size of the board precludes an accurate representation of minority persons, appointments should be made which conform to the requirements of this section insofar as possible.

Each board member serves at the pleasure of city council and may be removed at any time with reasonable cause or by recommendation by the parks and recreation board. Any board member missing three (3) consecutive board meetings or five (5) board meetings over the course of a calendar year shall forfeit their membership on the board. Absences may be excused by the chair.

(Code 1968, § 46-1; Ord. No. 06-10, § 1, 2-11-10; Ord. No. 16-10, § 59, 9-9-10; Ord. No. 18-12, § 1, 8-9-12; Ord. No. 21-13, § 1, 8-22-13)

Sec. 6-2-2. - Election of officers; adoption of rules and regulations.

Immediately after the appointment of the parks and recreation board, it shall meet and organize by electing one (1) of the members chairman and other officers as may be necessary. The board shall have the power to adopt bylaws, rules and regulations for the proper conduct of public recreation for the city.

(Code 1968, § 46-2; Ord. No. 06-10, § 1, 2-11-10)

Sec. 6-2-3. - Duties.

The parks and recreation board shall advise and make recommendations to the city council, and shall advise the mayor on matters concerning the establishment, maintenance and operation of parks and recreational activities within the city. The board shall provide input on master plan updates and improvements, and policy development for the use of recreational facilities.

(Code 1968, § 46-3; Ord. No. 06-10, § 1, 2-11-10; Ord. No. 21-13, § 2, 8-22-13; Ord. No. 11-17, § 1, 5-11-17)

Sec. 6-2-4. - Reserved

**Editor's note**— Ord. No. 21-13, § 3, adopted August 22, 2013, repealed § 6-2-4, which pertained to budget; gifts and donations. See Code Comparative Table for complete derivation.

Sec. 6-2-5. - Reserved.

**Editor's note**— Ord. No. 21-13, § 4, adopted August 22, 2013, repealed § 6-2-5, which pertained to expenditures, contracts, agreements; approval by city council required. See Code Comparative Table for complete derivation.

## CHAPTER 6-3. PARKS AND RECREATION<sup>[3]</sup>

Footnotes:

--- (3) ---

**Cross reference**— Administration, Title II; health and sanitation, Title IV; traffic and vehicles, Title XI; zoning, Ch. 12-2; planning, Ch. 12-0; streets, sidewalks and other public places, Ch. 11-4; subdivisions, Ch. 12-8; trees, Ch. 12-6; animals prohibited in certain public places, § 4-2-33; animals restricted in schools, parks and beaches, § 4-2-33; recreation board, Ch. 6-2; injuring trees or shrubs in public places, § 8-1-6; zoning, Ch. 12-2.

**State Law reference**— Parks and recreation, F.S. Ch. 418.

Sec. 6-3-1. - Supervision.

The parks and recreation director shall have direct charge and supervision of all matters relating to city owned or leased parks.

(Code 1968, § 118-1; Ord. No. 24-13, § 1, 9-26-13)

Sec. 6-3-2. - Rules and regulations generally.

- (a) The parks and recreation director may adopt rules and regulations for the reasonable and proper use, and for preventing injuries to or misuse of, city parks and their appurtenances and park property, and to prevent disorder and improper conduct within the precincts of such park and the waters adjacent thereto.
- (b) Any rules and regulations when published or posted in the park shall have the same effect as ordinances, and any violations thereof shall be punished as provided for in section 1-1-8 except as otherwise provided herein.

(Code 1968, § 118-11; Ord. No. 24-13, § 2, 9-26-13)

Sec. 6-3-3. - Traffic in parks.

- (a) State law. All applicable provisions of laws and rules regulating the equipment and operation of motor vehicles on Florida highways will be strictly enforced in the parks, together with such rules provided in this article.
- (b) Direction of traffic. All traffic officers and designated park employees are authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of this article and such supplementary rules as may be issued by the department or other state agency. No person shall fail to comply with any lawful order, signal or direction of such officer or employee. All persons shall observe carefully all traffic signs indicating speed, direction, caution, stopping or parking and all others posted for proper control and to safeguard life and property.
- (c) Speed of vehicles in parks. No person shall drive a vehicle at a speed exceeding eleven (11) miles per hour.
- (d) Restriction to roads. No person shall drive any motorized vehicle on any area except park roads or parking areas or such other areas as are designated as temporary parking areas.
- (e) Parking.
  - (1) All motor cars shall be parked only in established and indicated parking areas or in such other areas and at such times as may be specifically designated by the parks and recreation director.
  - (2) Parking on roads, driveways, grass or non-paved areas is forbidden at all times except in an emergency.
  - (3) No person shall park or station any vehicle in any zone designated and marked no parking or otherwise marked for restricted use except briefly for the expeditious loading or unloading of passengers or freight.
  - (4) No person shall make nonemergency repairs, perform routine maintenance or wash any vehicle in any city park or recreation area.
  - (5) No vehicles are permitted to remain in a parking area after closing hours. Any vehicle parked continuously in the park for in excess of twenty-four (24) hours will be towed at the owner's expense.
- (f) Bicycles. Bicycles may be ridden on any designated roads or trails. When riding vehicular roads, they must observe all safety rules and regulations as constituted by state law. Bicyclists shall, when riding or parking their bikes, respect the safety and security of other park users.
- (g) Prohibited areas. All wheeled vehicles are prohibited from all tennis and basketball courts, but may be ridden on any designated road or trail.

- (h) Penalty. The penalty for violation of this section shall be ten dollars (\$10.00) for each incident.
- (i) Enforcement. Violations of this section may be enforced by issuance of a citation as provided in chapter 11 of this Code or by any other means permitted by law.

(Ord. No. 24-13, § 3, 9-26-13)

**Editor's note**— Ord. No. 24-13, § 3, adopted September 26, 2013, amended § 6-3-3 in its entirety to read as herein set out. Former § 6-3-3, pertained to motor vehicles to remain on designated roads, areas; motor vehicles not permitted. See Code Comparative Table for complete derivation.

Sec. 6-3-4. - Reserved.

**Editor's note**— Ord. No. 24-13, § 4, adopted September 26, 2013, repealed § 6-3-4, which pertained to racing, speeding, reckless driving. See Code Comparative Table for complete derivation.

Sec. 6-3-5. - Animals running at large not permitted.

The owner or custodian of any animal shall not permit the animal to run at large in any park.

(Code 1968, §§ 118-2(B), 118-4)

**Cross reference**— Certain animals prohibited from running at large in city, § 4-2-2.

Sec. 6-3-6. - Permit required for obstructions.

No person shall place or deposit, or allow to be placed or deposited, in city parks, any article or thing which would obstruct or hinder the safe and convenient use of any part of the park by the general public, without the written permit of the parks and recreation director.

(Code 1968, § 118-5; Ord. No. 24-13, § 5, 9-26-13)

Sec. 6-3-7. - Discharging fireworks, stones and missiles.

- (a) It shall be unlawful for any person to throw stones or discharge missiles within city parks.
- (b) The exploding or discharging of fireworks, rockets or other incendiaries is prohibited.

(Code 1968, § 118-7; Ord. No. 27-11, § 2, 9-22-11)

Sec. 6-3-8. - Peddling, advertising, handbills, signboards.

No person shall, without a permit from the parks and recreation director, expose any article or thing for sale, or do any hawking or peddling or displaying of handbills, or erect any signboards, or post, paste or affix any notice or bill or advertisement of any kind in writing or printing on any tree, post or at any other place or in any manner whatever in city parks. No animal or vehicle or person carrying or displaying any placard or advertisement of any kind shall be allowed in the park except as authorized by the director.

(Code 1968, § 118-8; Ord. No. 24-13, § 6, 9-26-13)

Sec. 6-3-9. - Injuring trees, buildings and other property.

No person shall break or injure in any way any of the trees, shrubs, turf, grounds, fences, buildings or other structures or property of the parks.

(Code 1968, § 118-9)

Sec. 6-3-10. - History of Plaza Ferdinand VII.

Plaza Ferdinand VII has significant historical and aesthetic value for the City of Pensacola. The plaza is named after Ferdinand VII, who was king of Spain from 1813 to 1833. The transfer of Florida to the United States from Spain occurred in Plaza Ferdinand in 1821. In 1960, Plaza Ferdinand was designated a National Historic Landmark by the United States National Park Service.

Before 1985, Plaza Ferdinand was the primary park used for special events in Pensacola. Beginning in 1983, as part of the City's Directions '85 program, Plaza Ferdinand was completely renovated. Those renovations included restoration of the fountain, rebuilding of the sidewalks, rebuilding of the ballast walls along the perimeter of the park, restoration and renovation of the obelisk in the center of the park, a commemorative bust of Andrew Jackson, and restoration of the commemorative cannons in the park. The renovations cost approximately two hundred fifty-four thousand dollars (\$254,000.00).

After the renovations were complete, the city allowed a festival to take place in Plaza Ferdinand in September 1987. Following the event, the city again had to spend thousands of dollars to clean the facilities, re-seed the grass, care for the plantings, and refurbish the park.

In 1987, following the September festival, the city council voted to restrict use of Plaza Ferdinand in order to preserve its landscaping, historical attributes, and general beauty. Seville Square was designated the primary special events park and various amenities were added to Seville Square, including the gazebo and electrical facilities. Since then, Seville Square has been the site of many annual festivals, assemblies and special events.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-11. - Findings and purpose.

In order to preserve Plaza Ferdinand's value to the City of Pensacola and its citizens, the city council finds it is appropriate to restrict the group use of the park, requiring a permitting process for such use, and reserving Plaza Ferdinand primarily for spontaneous, casual and passive use by people for their quiet enjoyment. By restricting the use of Plaza Ferdinand, it is the city's intent and purpose to protect the features of the park, including the commemorative statues, the fountain, the historical cannons, and the ballast wall surrounding the Plaza, as well as protecting the grass and landscaping in Plaza Ferdinand.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-12. - Alternative parks and green space.

In finding that it is appropriate to restrict the use of Plaza Ferdinand, the city council notes that there are five (5) other city parks within approximately a half-mile radius of Plaza Ferdinand, to wit: Plaza de Luna, Seville Square, Bartram Park, Corinne Jones Park, the Vince Whibbs, Sr. Community Maritime Park and Martin Luther King, Jr. Plaza. These parks are open to citizens for use for group events, as well as spontaneous, casual and passive uses, and thus provide alternative venues for assembly and expressive activity. Furthermore, within the half-mile radius of Plaza Ferdinand, various green spaces,

although not designated as public parks by the City of Pensacola, have been made available for group use, including the north lawn of City Hall, Plaza De Luna and the state-owned area commonly known as Fountain Park.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-13. - Definitions.

Where used in sections 6-3-10 through 6-3-20, the following terms, phrases, words and their derivatives shall have the meanings given herein, unless the context otherwise requires:

- (a) "Plaza Ferdinand" or "park" means Plaza Ferdinand VII in the City of Pensacola. For purposes of these sections only, the boundaries of Plaza Ferdinand are defined as follows:
  - (1) The northern curb of Zarragosa Street;
  - (2) The southern curb of Government Street;
  - (3) The eastern curb of Palafox Place; and
  - (4) The western curb of Jefferson Street.
- (b) "Director" means the parks and recreation director.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-14. - Application for Plaza Ferdinand permit.

Any person desiring a permit for use of Plaza Ferdinand shall make application for a permit to the director not less than ten (10) days in advance of the time and date of the intended use of Plaza Ferdinand and no earlier than January 2 of the calendar year in which the applicant intends to use the park. The ten (10) days' advance application period may be shortened under extenuating circumstances. The application shall set forth the following information:

- (1) The name, address and telephone number of the person requesting the permit;
- (2) The name and address of the organization or group he/she is representing, if applicable;
- (3) The name, address and telephone number of the person(s) who will act as chairperson of the event and will be responsible for the conduct of the event;
- (4) The time and date of the commencement of the event and the time the event will terminate;
- (5) Completion of the required forms, including providing any required liability insurance certificate;
- (6) Deposit of any required clean-up deposit and damage deposit; and
- (7) Any other relevant information as the director may require.

Applications for permits shall be processed in the order of receipt and only upon receipt of the entire application and any applicable fees or an affidavit of indigency and request for a waiver of the fees. The director shall decide whether to grant or deny an application within fourteen (14) days unless, by written notice to the applicant, the director extends the period of review an additional fourteen (14) days. If the director fails either to grant or deny an application within the fourteen-day deadline, or within the fourteen-day extension if one (1) has been noticed, then the application shall be deemed granted.

An applicant may receive only one (1) permit for use of Plaza Ferdinand during a single calendar year. However, if as of May 15 of the calendar year for which the applicant has requested a permit, the director has received applications from fewer than six (6) applicants, then a single applicant may request more than one (1) permit for use of Plaza Ferdinand during a single calendar year.

Permits for use of Plaza Ferdinand are not transferable or assignable and may be used only by the applicant.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-15. - Application fee.

All applicants must pay an application fee of one hundred dollars (\$100.00) to cover the cost of processing the application.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-16. - Restrictions on Plaza Ferdinand permits.

- (a) A person or organization must obtain a permit in order to conduct a public assembly, parade, picnic, or other event involving thirty (30) or more persons that will take place in Plaza Ferdinand.
- (b) Permits shall be restricted in the following manners:
  - (1) Permitted events may take place only during the months of June, July and August. A maximum of six (6) events will be permitted in any calendar year.
  - (2) No more than two (2) events per month will be permitted. No more than one (1) permitted event may occur during any seven-day period.
  - (3) The attendance at a permitted event may not exceed one thousand (1,000) persons.
  - (4) No amplified sound or bands will be permitted.
  - (5) No vendors will be permitted.
  - (6) No booths, exhibits, or stages will be permitted.
  - (7) No event with utility hook-up requirements will be permitted.
  - (8) No alcohol will be permitted.
  - (9) A permitted event may not last longer than thirty-six (36) consecutive hours, including setup before the event and cleanup after the event.
  - (10) The other general rules for city parks apply.
- (c) To the extent permitted by law, the director may deny an application for permit if the applicant or the person on whose behalf the application for permit was made has on prior occasions made material misrepresentations regarding the nature or scope of an event or activity previously permitted or has violated the terms of prior permits issued to or on behalf of the applicant. The director also may deny an application for permit on any of the following grounds:
  - (1) The application for permit (including any required attachments and submissions) is not fully completed and executed;
  - (2) The applicant has not tendered the required application fee with the application or has not tendered the required user fee, insurance certificate, or clean-up deposit within the time prescribed;
  - (3) The application for permit contains a material falsehood or misrepresentation;
  - (4) The applicant is legally incompetent to contract or to sue and be sued;
  - (5) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged city property and has not paid in full for such damage, or has other outstanding and unpaid debts to the city;

- (6) A fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of Plaza Ferdinand or part thereof;
  - (7) The proposed use or activity is prohibited by or inconsistent with the classifications and uses of Plaza Ferdinand or part thereof;
  - (8) The use or activity intended by the applicant would present an unreasonable danger to the health or safety of the applicant, other users of Plaza Ferdinand, city employees, or members of the public;
  - (9) The use or activity intended by the applicant is prohibited by law, by this Code, or by the regulations of the city.
- (d) Notice of denial of an application for permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the director for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit. Where an application has been denied because of a conflict with the time and place of another event or due to other restrictions, the director shall propose an alternative location, time, or other manner for the applicant to comply with the restrictions.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-17. - Insurance requirements; clean-up deposit; user fees.

- (a) Applicants shall provide the city with a certificate of insurance no less than ten (10) days prior to the date of the event. The certificate of insurance shall indicate that: the city is an additional insured; the certificate holder is the City of Pensacola; the type of event to be held; the date of the event; and the limits of liability.
- (b) The user fees, clean-up deposits, and insurance liability limits that shall be provided are as follows:

Event	Clean-up Deposit	Insurance Limits	User Fee
Single day event with anticipated attendance of 20—300 persons	\$500.00 per event	\$300,000.00 per occurrence and the aggregate	\$500.00/day
Single day event with anticipated attendance of 301—1,000 persons	\$1,000.00 per event	\$1,000,000.00 per occurrence and the aggregate	\$1,000.00/day

These requirements are subject to change and the director shall notify applicants of any changes to these requirements.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-18. - Reduction or waiver of fees, deposit or insurance.

An applicant may request a reduction or waiver of the user fee, clean-up deposit and/or insurance requirement in the same manner as described in section 11-4-180, Pensacola City Code.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-19. - Issuance or denial of permit or waiver; appeal.

An applicant who is denied a permit or a waiver of the insurance requirement, clean-up deposit or user fee, may appeal such denial in the manner described in section 11-4-174, Pensacola City Code.

(Ord. No. 26-09, § 1, 8-13-09)

Sec. 6-3-20. - Penalties for violations.

- (a) A person violating the provisions of sections 6-3-14 or 6-3-16 may be directed to leave Plaza Ferdinand by a sworn police officer or code enforcement officer.
- (b) A person refusing to leave Plaza Ferdinand when directed as described in subsection (a) shall be escorted out of Plaza Ferdinand and issued a trespass warning to not return to the park for twenty (20) days, or placed under arrest for trespass after warning.
- (c) If a person who has received a trespass warning returns to Plaza Ferdinand within the time period prescribed in subsection (b), then the person may be prosecuted pursuant to F.S. § 810.09.
- (d) The penalties described herein are in addition to the penalties provided in section 1-1-8, Pensacola City Code, and any other remedies available at law or in equity.

(Ord. No. 26-09, § 1, 8-13-09)

REPEAL CHAPTER 6-4.