

Chapter 12 PARKS AND RECREATION¹

ARTICLE I. RESERVED

Secs. 12-1—12-15. Reserved.

ARTICLE II. RESERVED

Secs. 12-16—12-40. Reserved.

(Ord. No. 86-7-5, § 1, 7-22-86)

ARTICLE III. PARK REGULATIONS

Sec. 12-41. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Law enforcement officer means any member of the police department authorized to enforce all criminal and traffic laws and ordinances within the City.

Park means any public park, recreational or playground area, or building or facility thereon, within the City owned, or leased, and maintained as a public park, whether or not such areas have been formally dedicated to such purpose.

Park watchman means any employee of the City under the supervision of the Director of Parks and Recreation and authorized to enforce this article within park boundaries.

Permit means the written permission that must be obtained from the Director of Parks and Recreation or his designated agent to carry out a given activity in a park.

Vehicle includes any wheeled device or conveyance, whether propelled by motor, animal or human power. The term shall include any trailer in tow of any kind, size or description. Exception is made for baby carriages and vehicles in the service of the City.

(Ord. No. 80-11-3, § 2(A), 11-18-80)

¹Cross reference(s)—Definitions and rules of construction generally, § 1-2.

Sec. 12-42. Control of vehicles.

- (a) *Vehicles and traffic laws.* All applicable state and local vehicle and traffic laws and ordinances shall continue in full force and effect in any park.
- (b) *Operation of vehicles within parks.*
 - (1) No person shall operate a vehicle in a park except upon designated paved or improved park roads or driveways, or in and upon designated areas or trails set aside for use by such vehicles, unless directed by a law enforcement officer or park watchman to do so, or by official signs or markings.
 - (2) No person shall operate a vehicle within the park in excess of 15 miles per hour, except upon these roads or driveways where official signs or markings designate a different speed limit.
- (c) *Parking.*
 - (1) No person shall park a vehicle on park property other than in areas designated for parking that type of vehicle, unless there is an emergency or unless directed to do otherwise by a law enforcement officer or a park watchman. Parking shall conform to officially posted signs or markings unless other instructions are given by a law enforcement officer or a park watchman.
 - (2) No vehicle shall be left standing or parked at night within a park without lights clearly visible front and rear for at least 200 feet, except in designated parking areas.
 - (3) No vehicle shall be left parked on park property after park closing hours without obtaining a permit from the Director of Parks and Recreation.

(Ord. No. 80-11-3, § (B), 11-18-80)

Cross reference(s)—Traffic and motor vehicles generally, Ch. 17.

Sec. 12-43. Park property.

- (a) *Buildings and other property.* Except as previously authorized by the City, no person shall in any park do or cause to be done any of the following:
 - (1) Willfully mark, deface, or injure in any manner, or displace, remove, or tamper with any park building, bridge, table, bench, fireplace, railing, paving or paving materials, water line or other public utility or parts thereof, park sign or marking whether temporary or permanent, monument, stake, post, or other structure or equipment, facility, or park property of any kind;
 - (2) Willfully dig, cut, move or remove from any park or park area any sand, wood, turf, grass, gravel, shrub, or other material, or make any excavation by hand, tool, equipment, blasting or other means;
 - (3) Construct or erect any building or structure of any kind, whether permanent or temporary, or run or string any public and/or private utility into, upon or across a park.
- (b) *Trees, shrubbery, lawns.* Except as previously authorized by the City, no person shall in any park do or cause to be done any of the following:
 - (1) Willfully pick, saw, chop, cut, carve, remove or injure any flowers, seeds, blooms, bark, branches, twigs, or leaves of any tree, plant, shrub, vine, bush, or any other vegetation;
 - (2) Willfully drive any nail, staple, or attach or fasten any wire, rope or other device to any tree or plant, or tie or hitch any animal to any tree or plant;

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- (3) Willfully dig in or disturb any grass areas, or in any way injure or impair the natural beauty or usefulness of any park area;
 - (4) Willfully climb any tree, or walk, stand or sit upon any monument vase, fountain, railing, fence, or any other park property designated or normally used for such purpose;
 - (5) Willfully bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash; but shall place same in the proper receptacles when these are provided; when receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(Ord. No. 80-11-3, § 2(C), 11-18-80; Ord. No. 03-05-02, § 1, 5-27-03)

Sec. 12-44. Recreational activities.

(a) *Swimming.*

- (1) No person in a park shall:
 - a. Swim, bathe or wade in any waterway in or adjacent to any park, except in such water or waterway as the Director of Parks and Recreation may designate, and in accordance with the terms of this article and any other regulations that the director may promulgate;
 - b. Frequent any water or places where swimming, bathing or wading is permitted, except during those hours that the Director of Parks and Recreation has established for such activities;
 - c. Change into bathing clothes from street clothes, or from bathing clothes into street clothes, except in a bath house or other structure designated for such use.
- (2) The Director of Parks and Recreation shall not designate any water or waterway for swimming, bathing or wading where such use of the water would be dangerous to the public health, safety or welfare.

(b) *Fishing.*

- (1) No person shall engage in fishing for profit in park waters, or shall buy or sell fish caught in park waters on park property.
- (2) No person shall fish in any park waters where swimming, bathing or wading is permitted.

(c) *Dangerous instruments.*

- (1) No person except a law enforcement officer, shall bring onto park property or have in their possession on park property any explosive, dynamite cap, fireworks, air gun, pellet gun, spring gun, slingshot, cross bow, bow and arrow, any device by means of which a projectile can be propelled, any device which can be loaded with blank cartridges, any trapping device, any incendiary bomb or material, any smoke or stink bomb, any tear gas or other disabling chemical or agent, any acid or caustic substance, or any inflammable liquid except fuel contained in the fuel tank of a motor vehicle, vessel, lantern, camp stove or camp heater. This section shall not apply to firearms as regulated by F.S. Ch. 790.
- (2) No person shall discharge any of the weapons or instruments listed in subsection (c)(1) into any park from outside a park.
- (3) The Director of Parks and Recreation, with the approval of the police chief, may designate areas within a park where bows and arrows can be used. In such cases, the police chief shall promulgate regulations for the safe use of such devices, and no person shall fail to abide by such regulations.

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- (4) The Director of Parks and Recreation, with the approval of the fire chief, may designate times and places where fireworks can be used within a park. The fire chief shall promulgate regulations to assure that in such cases the fireworks are used in a safe manner.
- (d) *Picnic areas and use.*
- (1) The Director of Parks and Recreation shall designate those areas of a park where picnicking is permitted. No person shall picnic other than in a designated area.
- (2) Individual fireplaces and tables in picnic areas shall be available on a "first come, first served" basis, except that a group of 20 or more persons must obtain a permit in advance for the use of picnic facilities.
- (3) Picnickers shall not leave a picnic area before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in a disposal receptacle, where provided. If no trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
- (e) *Camping.*
- (1) No person shall camp in a park except in areas that have been designated for camping by the Director of Parks and Recreation, if any. Camping shall be limited to tent camping, trailer camping or camping with other equipment designated specifically for camping.
- (2) No person shall camp in a park without first obtaining a camping permit from the Director of Parks and Recreation or his designated agent.
- (f) *Fires.*
- (1) No person shall start or maintain, in any park, any outdoor fire except in designated picnic or camping areas. Fires shall be limited to cooking fires, or fires in camp lanterns or heaters.
- (2) Cooking fires shall be started and maintained only in a stove, fireplace, or barbecue pit maintained by the City. Fuels used in cooking fires shall not produce any noxious fumes or smoke.
- (3) No person starting or maintaining any fire in a park shall leave the area where the fire is located without first completely extinguishing the fire.
- (g) *Animals and pets.*
- (1) a. No animals or pets of any kind are permitted in any city parks, if a sign has been posted by the city prohibiting animals at that particular location. Animals shall not be allowed to run loose, but shall at all times be restrained or kept on a non-retractable leash of not more than six feet in length;
- b. This subsection shall not apply to the following:
1. Service animals, as defined in F.S. § 413.08(1)(d), and as used in accordance with the provisions of F.S. § 413.08;
 2. Horses or dogs used by a law enforcement officer or park watchman in the performance of their duties; and
 3. Animals or fowl kept by the department of recreation or under its direction.
- (2) No person shall abandon any animal in a park.
- (h) *Games.* No person in a park shall take part in the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, golf balls, javelins, kites, or model airplanes except in areas set apart for such forms of recreation. The playing of organized games such as football, baseball, and the like,

is prohibited except on fields, courts, or areas designated for such use, or as directed by the Director of Parks and Recreation or an authorized representative.

(Ord. No. 80-11-3, § (D), 11-18-80; Ord. No. 03-05-02, § 2, 5-27-03; Ord. No. 11-9-8, § 3, 9-26-11; Ord. No. 13-11-1, § (2), 11-19-13; Ord. No. 22-11, § 2, 6-14-22)

Editor's note(s)—Ordinance 13-11-1 prohibits dogs in city parks, except at designated areas, but allows service animals at city parks pursuant to state law.

Sec. 12-45. Nuisances and behavior.

- (a) *Alcoholic beverages.* No person shall bring into, consume, or sell alcoholic beverages in a park, except:
- (1) Alcoholic beverages may be sold by persons operating under a concession from the City, subject to the regulation and control of the Director of Parks and Recreation. Sale of alcoholic beverages shall be by the individual drink only, and drinks shall only be consumed on the premises of the concession. Sale of beer and wine in unopened containers shall not be permitted.
 - (2) Alcoholic beverages may be consumed at family or group picnics or functions provided a permit for such consumption is obtained. The police chief may require that one or more law enforcement officers be present at such picnics or functions. In such cases, the anticipated expense shall be paid in advance by the group having the picnic or function.
- (b) *Production of permits.* No person in a park shall refuse or fail to produce and exhibit any permit they claim to have upon the request of any law enforcement officer, park watchman, or other authorized park employee who wishes to inspect the permit for the purpose of determining that the provisions of this article have been complied with.
- (c) *Tobacco products.* It shall be unlawful for any person to smoke cigarettes, filtered cigars, pipes, or any other tobacco, tobacco products, nicotine vaporizers, electronic cigarettes, liquid nicotine, or any other smoking apparatus within all public parks in Cooper City, including Brian Piccolo Park and all City-owned parks. In accordance with F.S. § 386.209, as may be amended from time to time, this prohibition shall not apply to unfiltered cigars.

(Ord. No. 80-11-3, § 2(E), 11-18-80; Ord. No. 02-4-2, § 1, 4-23-02; Ord. No. 23-23, § 2, 10-24-23)

Cross reference(s)—Alcoholic beverages generally, Ch. 3.

Sec. 12-46. Permits.

- (a) *Required.* In addition to any other provision of this article that requires the obtaining of a permit prior to engaging in a given activity, no person in a park shall conduct, operate, present, manage, or take part in any of the following activities unless a permit is obtained prior to the start of the activity:
- (1) Any picnic, outing or gathering sponsored by any person or composed of 20 or more persons;
 - (2) Any contest, exhibit, dramatic performance, play, motion picture, radio or television broadcast, fair, circus, musical event, or any similar event;
 - (3) Any public meeting, assembly, or parade, including, but not limited to, drills, maneuvers, ceremonies, addresses, speeches, sports contests, practices, or political meetings;
 - (4) Any use of any park facility by a certain person or group of persons to the exclusion of others;
 - (5) Use of sports facilities pursuant to the provisions of Res. No. 03-2-9, as same may be amended from time to time.

(b) *Application procedure.*

- (1) A person seeking the issuance of a permit to carry on an activity in a park shall file an application on the appropriate form supplied by the department of parks and recreation with the designated representative of the Director of Parks and Recreation and provide such information as shall be required by the director.
- (2) Applications for passive recreational facilities, not including the use of any sports facilities, shall be filed not less than three days nor more than 90 days before the date of the proposed use or activity. Applications for the use of sports facilities shall be governed by the provisions of Res. No. 03-2-9, as same may be amended from time to time.
- (3) The recognized sports groups shall have the right to apply for a series of seasonal permits on an annual basis pursuant to the provisions of Res. No. 03-2-9, as same may be amended from time to time.

(c) *Standards for issuance.*

- (1) The Director of Parks and Recreation shall issue a permit unless it is found:
 - a. That the proposed activity or use of the park will unreasonably interfere with or detract from the general public's use and enjoyment of the park; or
 - b. That the proposed activity or use of the park will unreasonably interfere with or detract from the public health, safety or welfare; or
 - c. That the conduct of the proposed activity or use is reasonably likely to result in violence to persons or property resulting in serious harm to the public; or
 - d. That the proposed activity or use will entail an extraordinary expense or operation by the City; or
 - e. That the facilities desired have been reserved for another activity or use at the day and hour requested in the application; or
 - f. The proposed activity or use is contrary to applicable laws, rules, regulations and/or policies of the City.
- (2) The Director of Parks and Recreation may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:
 - a. Restrictions on fires, fireworks, amplified sounds, use of alcoholic beverages, dancing, sports, use of animals, equipment, or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use which appears likely to create a risk of unreasonable harm to the use and enjoyment of the park by others, or of damage to park property;
 - b. A requirement that the applicant post a reasonable deposit of security for the repair of any damage to park property, or the cost of cleaning up, or both;
 - c. A requirement that the applicant pay in advance a reasonable fee to defray the cost of furnishing adequate security forces by the department of parks and recreation at the proposed use or activity;
 - d. A requirement that the permittee furnish additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought;
 - e. A requirement that the applicant furnish a certificate of insurance in amounts prescribed to provide adequate coverage for the protection of the City and park property.
- (3) Permits shall not be transferable without the written consent of the Director of Parks and Recreation.

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- (4) A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in the permit.
 - (5) The person to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatever by reason of the negligence of the person to whom such permit was issued.
 - (6) The Director of Parks and Recreation shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon the violation of any condition or restriction under which the permit was issued.

(Ord. No. 80-11-3, § 2(F), 11-18-80; Ord. No. 03-5-2, § 3, 5-27-03)

Sec. 12-47. Operating policies.

- (a) *Hours.* Park facilities owned and/or operated by the City shall be open to the public every day of the year between sunrise and sunset. Lighted facilities shall be open for use beyond sunset during the time such lights are illuminated; and upon cessation of such illumination, the facilities shall be considered closed. The Director of Parks and Recreation may extend or contract these times for any park or portion thereof. No person shall enter, be, or remain in any park after the park closing time unless a permit for same has been obtained.
- (b) *Closed areas.* Any section or part of any park may be declared closed to the public by the Director of Parks and Recreation at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary.
- (c) *Powers of the director.* The Director of Parks and Recreation shall have the power to make, from time to time, such reasonable rules and regulations as are necessary to manage, use, preserve and govern park property and activities.
- (d) *Ejection from park.* Any person found violating any provisions of this article shall either be ejected and/or arrested by a law enforcement officer.

(Ord. No. 80-11-3, § 2(g), 11-18-80; Ord. No. 86-11-2, §§ 1, 2, 11-11-86)

Sec. 12-48. Penalty for violations.

If a citation issued for violation of this article shall be paid prior to the issuance of a notice to appear or municipal information, the fine shall be \$50.00. After the issuance of a notice to appear or municipal information the penalties provided in section 1-8 of this Code shall be applicable.

(Ord. No. 80-11-3, § 2, 11-18-80; Ord. No. 99-11-6, § 2, 11-9-99)