ORDINANCE NO. 2023-418

AN ORDINANCE OF THE CITY OF PARKER, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PARKER (ORDINANCE NO. 2010-349, AS AMENDED); AMENDING CERTAIN PROVISIONS OF CHAPTER 54 OF THE CODE OF ORDINANCES RELATED TO HOURS OF PARK USE; PROVIDING FOR SPECIFIC RESTRICTIONS RELATING TO THE FISHING PIER; PROVIDING FOR SEVERABILITY; PROVIDING A MECHANISM FOR THE CORRECTION OF SCRIVENER'S ERRORS; PROVIDING FOR THE LIBERAL CONSTRUCTION OF THIS ORDINANCE; PROVIDING FOR CODIFICATION AND REPEALER CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PARKER AS FOLLOWS:

Section 1. Section 54-31 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 54-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in thie section, except when the context clearly indicates a different meaning.

Fishing pier means that certain public pier constructed at the end of Oakshore Drive in the city.

Park means every park in the city including but not limited to the fishing pier.

Section 2. Section 54-35 of the Code of Ordinances, City of Parker, Florida, is hereby amended to read as follows:

Sec. 54-35. Hours and conditions of use.

(a) Except for the fishing pier and absent a rule promulgated in accordance with (c) below, the parks shall be open to the public between the hours of 6:00 a.m. and 11:00 p.m. and shall be closed to the public at all other times. It shall

be unlawful for any person or vehicle to enter or remain in a park during the closed hours. However, only in Earl Gilbert Park, it shall not be unlawful to enter during the closed hours for the sole purpose of launching or loading a boat or for parking or retrieving a motor vehicle and trailer in the parking area after launching a boat from the boat ramp at Earl Gilbert Park. No camper, tent, trailer, mobile home, or other similar facility for temporary living shall be allowed to park or remain overnight in a park. No overnight parking or storage of boats shall be permitted in a park.

(b) No person shall jump, dive, throw or eject any person or object off or from the fishing pier (except for items commonly used in fishing or crabbing).

(c) The City may adopt or the public works director may promulgate additional rules for any or all city parks including but not limited to the fishing pier.

Section 2. Severability.

If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance. If any penalty of this section is deemed inconsistent with any Florida Statute, the provisions of the Florida Statute shall prevail.

Section 3. Scrivener's Error.

The correction of typographical errors which do not affect the intent of the ordinance may be authorized by the City Clerk or the Clerk's designee, without public hearing.

Section 4. Ordinance to be Liberally Construed.

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed not to adversely affect public health, safety, or welfare.

Section 5. Codification.

The provisions of this Ordinance shall become and be made part of the Code of the City. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 6. Repeal of Conflicting Codes, Ordinances, and Resolutions.

All codes, ordinances and resolutions or parts of codes, ordinances and resolutions or portions thereof of the City of Parker, in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall take effect immediately upon its passage.

PASSED, ADOPTED AND ADOPTED at a Meeting of the City Council of the City of Parker, Florida as of the 5th day of DECEMBER, 2023.

CITY OF PARKER

Andrew Kelly, Mayor

ATTEST:

Kim Rega, City Clerk

Examined and approved by me, this 5th day of December, 2023.

Andrew Kelly, Mayor

Business Impact Estimate

This form should be included in the agenda packet for the item under which the proposed ordinance is to be considered and must be posted on the website of the City of Parker ("City") by the time notice of the proposed ordinance is published.

Proposed ordinance's title/reference:

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. If one or more boxes are checked below, this means the City is of the view that a business impact estimate is not required by state law[1] for the proposed ordinance, but the City is, nevertheless, providing this Business Impact Estimate as a courtesy and to avoid any procedural issues that could impact the enactment of the proposed ordinance. This Business Impact Estimate may be revised following its initial posting.

- ☐ The proposed ordinance is required for compliance with Federal or State law or regulation;
- ☐ The proposed ordinance relates to the issuance or refinancing of debt;
- ☐ The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- ☐ The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant or other financial assistance accepted by the municipal government;
- ☐ The proposed ordinance is an emergency ordinance;
- ☐ The proposed ordinance relates to procurement; or
- ☐ The proposed ordinance is enacted to implement the following:
  a. Part II of Chapter 163, Florida Statutes, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
  b. Sections 190.005 and 190.046, Florida Statutes, regarding community development districts;

[1] See Section 166.041(4)(c), Florida Statutes.

c. Section 553.73, Florida Statutes, relating to the Florida Building Code; or
d. Section 633.202, Florida Statutes, relating to the Florida Fire Prevention Code.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

Ordinance 2023-418 would regulate the times of use by the public of parks within the City including but not limited to the fishing pier. Those limited times would potentially decrease outdoor sound levels late at night and in the early morning. The ordinance furthers public health, safety and welfare by limiting hours of use, of parking and consequently of roadway travel and fostering safety in the use of the fishing pier.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:
(a) An estimate of direct compliance costs that businesses may reasonably incur;
(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and
(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There are unlikely to be direct compliance costs associated with Ordinance 2023-418. No new charge or fee is imposed by the Ordinance for which businesses in the City will be financially responsible. There may be indirect compliance costs incurred by persons who would have to remove vehicles and properly dispose of trash and garbage. The City may incur increased, indeterminate regulatory costs associated with code compliance. Existing fees and costs may be incurred as a part of code compliance, the amounts are currently not determinable.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

Ordinance 2023-418 does not impose any new charge or fee on businesses. The City may incur increased, indeterminate costs associated with monitoring the activity in the parks, especially the fishing pier, to ensure compliance. There are no new charges or fees that will be imposed on businesses by the proposed ordinance to cover the City's costs of ensuring compliance.

4. Additional information the governing body deems useful (if any):
The proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not affect only businesses.