

## ORDINANCE 98-53

**AN ORDINANCE AMENDING BREVARD COUNTY CODE, CHAPTER 78, ARTICLE III, USE OF PARKS; SPECIFICALLY AMENDING SECTION 78-76 DEFINITIONS; AMENDING SECTION 78-108 POSTING OF SIGNS; AMENDING SECTION 78-116 HUNTING, MOLESTING WILDLIFE; AMENDING SECTION 78-122 SLEEPING, CAMPING, AND LODGING; AND PROVIDING FOR SEVERABILITY AND AN EFFECT DATE.**

**WHEREAS, it is the intent of the Board of County Commissioners of Brevard County, Florida, to establish a system of regulations and rules governing the activities within the parks and recreational facilities,**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA, as follows:**

**Section 1. Sec. 78-76. Definitions.** Code of Ordinances of Brevard County, Florida is hereby amended to read as follows:

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

*Alcoholic beverages* includes any beer, wine, fortified wine, liquor or alcoholic beverage defined in F.S. ch. 561.

*Closing hours* means that time period during which a park or recreational facility is closed to the general public.

*Commercial activity* includes the sale of any item, tangible or intangible, including but not limited to food and beverages; the charging of admission; the charging of fees for any service, entertainment or amusement, including but not limited to carnival rides.

*Department* means the parks and recreation department of the county.

*Department director* means the person appointed by the board of county commissioners to coordinate all park and recreation programs and facilities.

*Designated area* means that geographical area which has been established by the department for a specific activity or activities within a park or recreation area.

*Governmental unit* includes any governmental body which exercises law enforcement jurisdiction over a park or recreational facility.

*Gun* includes any instrument capable of firing a projectile or bullet at a high velocity, including but not limited to, any air gun, sling or slingshot.

*Motor vehicle* includes any vehicle which is self-propelled.

*Park* includes a park, reservation, playground, beach, recreation center, refuge, sanctuary or other area owned, leased, operated or maintained by the county and devoted to active or passive recreation.

*Permit* means a written document issued by the department granting permission for a specific activity.

*Recreational facility* includes a facility for recreational purposes on property owned, leased, operated or maintained by the county.

*Security violation* includes any activity which results in an arrest by a certified law enforcement officer, resulting in the imposition, by a court of law, of a fine, imprisonment, probation and/or other criminal penalty. This term includes only those arrests which occurred during a permitted event and on the property of the park or recreational facility where such event is held.

*Vehicle* includes any watercraft or wheeled conveyance, whether motor powered, animal drawn or self propelled. The term shall include any trailer in tow of any size, kind or description.

**Section 2.**    **Sec. 78-108. Posting signs.** Code of Ordinances of Brevard County, Florida is hereby amended to read as follows:

**Sec. 78-108. Posting signs.**

No person shall post or affix to any tree, shrub, plant, fence, building, structure, monument, wall, table, apparatus, bridge, post, bench, corral, gate or any other physical object any sign, poster or other printed or written matter in any park or recreational area without a permit from the department.

**Section 3.**    **Sec. 78-116. Hunting, molesting wildlife.** Code of Ordinances of Brevard County, Florida is hereby amended to read as follows:

**Sec. 78-116. Hunting, molesting wildlife.**

No person in any park or recreational area shall hunt, catch, harm, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird. No person in any park or recreational area shall remove or have in his possession the young of any wild animal or eggs or nest or young of any reptile or bird. Hunting may be allowed by permit in designated areas, subject to applicable governmental regulations and agencies. The abandonment of an animal in a park is prohibited.

**Section 4.**    **Sec. 78-122. Sleeping, camping and lodging.** Code of Ordinances of Brevard County, Florida is hereby amended to read as follows:

**Sec. 78-122. Sleeping, camping and lodging**

No person shall sleep, camp, lodge or park a vehicle overnight in any park or recreational area except in such areas as are designated for such purposes or if a permit is issued for other areas by the department.

**Section 5.** **Severability.** If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by a court to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this ordinance.

**Section 6. Effective Date.** This ordinance shall become effective upon filing as provided by law. A certified copy of the ordinance shall be filed with the Office of the Secretary of State, State of Florida, within ten days of enactment.

DONE AND ORDERED in Regular Session this 27<sup>th</sup> day of October, 1998.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
BREVARD COUNTY, FLORIDA

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Sandy Crawford, Clerk

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Helen Voltz, Chairman

As approved by the board on 10/27/98.