

ORDINANCE NO. 198

AN ORDINANCE OF THE TOWN OF CINCO BAYOU, FLORIDA, PROVIDING FOR AMENDMENT TO CHAPTER 34, PARKS AND RECREATION OF THE CODE OF ORDINANCES OF THE TOWN OF CINCO BAYOU; AMENDING SECTION 34-42(c)(1)(f) PERMIT FOR GROUP ACTIVITIES BY DELETING THE RESERVATION FEE AND AUTHORIZING SETTING FEES BY RESOLUTION; ADDING A NEW SECTION 34-44. RECREATIONAL FACILITY FEES; AUTHORIZING SETTING FEES BY RESOLUTION AND AUTHORIZING WAIVER OF FEES BY CITY MANAGER/CLERK; PROVIDING FOR PENALTY; PROVIDING FOR REPEAL OF SECTION 34-34 PENALTY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CINCO BAYOU, FLORIDA AS FOLLOWS:

SECTION 1. AUTHORITY. The authority for enactment of this Ordinance is section IV(f) of the Town Charter and section 166.021, Florida Statutes (2002).

SECTION 2. AMENDING SECTION 34-42(c)(1)(f). PERMIT FOR GROUP ACTIVITIES. Section 34-42(c)(1)(f) of the Code of Ordinances, Town of Cinco Bayou, Florida is hereby amended to read as follows:

Sec. 34-42(c)(1)(f) PERMIT FOR GROUP ACTIVITIES.

(f) Any other information which the town manager/clerk shall find reasonably necessary to a fair determination as to whether a permit should be issued under this subsection. All applicants desiring to obtain a permit for exclusive use of any portion of a part will be required to pay a nonrefundable fee at the time of permit issuance in an amount as established by resolution of the Town Council.

SECTION 3. ADDING A NEW SECTION 34-44. RECREATION FACILITY FEES. The Code of Ordinances, Town of Cinco Bayou, Florida, is hereby amended by adding a section to be numbered Section 34-44 Recreation Facility Fees, which section reads as follows:

Sec. 34-44 RECREATION FACILITY FEES.

(a) Purpose. The purpose of this section is to establish fees for the various recreational activities that utilize public property within the Town and to establish procedures for the enforcement of such fees.

(b) Schedule. The Town shall levy fees for recreational activities that utilize public property including, but not limited to, group activities, meetings, receptions, and boat launching and recovery. The amount of the recreation fee required shall be that as established by resolution of the Town Council. No recreational or park fees shall be charged to any governmental or law enforcement agency when using the Town=s facilities for official business. No person shall fail to pay such fees.

(c) Waiver of Fees. Certain non-profit organizations shall be permitted to apply for a waiver of recreational and park fees. The Town Manager/Clerk or his/her designee shall have the authority to approve or deny an application for a waiver of fees based upon criteria to be established by Resolution of the Town Council.

(d) Penalty. Any person violating the provisions of this Section is guilty of an offense, and shall be assessed a fine in accordance with the following schedule of penalties:

First Offense	Second Offense (Within 12 Months)	Third Offense (Within 12 Months)
\$50.00	\$75.00	\$300.00

The county court may assess a civil penalty of up to \$500.00 upon a person convicted of a violation of this section who contests the violation. Any summons/notice of violation issued under this section may be contested in county court.

SECTION 4. REPEAL OF SECTION 34-34. PENALTY. Section 34-34 of the Code of Ordinances, Town of Cinco Bayou, Florida is hereby repealed.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES AND RESOLUTIONS. All Ordinances and Resolutions of the governing body in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any word, sentence, phrase, clause, section or portion of this Ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its final passage and adoption by the Town Council and signature of the Mayor.

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF CINCO BAYOU, FLORIDA
ON THIS 27th DAY OF FEBRUARY 2003.**

APPROVED:

Sara Carroll

Sara Carroll, Mayor

ATTEST:

Nell Webb

Nell Webb, Town Manager/Clerk



The form and legal sufficiency of the foregoing has been reviewed and approved by the Town Attorney.

C. Jeffrey McInnis
Town Attorney