

**ORDINANCE NO. 2012-02**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS, FLORIDA, PROVIDING RULES AND REGULATIONS FOR CITY PARKS AND OTHER PUBLIC RECREATIONAL AREAS INCLUDING THE CROSS SEMINOLE TRAIL; AMENDING CHAPTER 17, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES BY CREATING A NEW ARTICLE V, ENTITLED CITY PARKS AND RECREATIONAL AREAS; AMENDING SECTION 2-69.4 OF THE CITY CODE REGARDING THE SCHEDULE OF VIOLATIONS; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT ORDINANCES AND RESOLUTIONS, INCORPORATION INTO THE CODE SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City is granted the authority, under Section 2(b), Article VIII, of the State Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City Commission recognizes and finds that the recreational services provided to the public by the City and Seminole County are essential to the quality of life in the City; and

**WHEREAS**, the City Commission further finds that in order to provide these essential recreational services to the public, the City must maintain reasonable rules and regulations regarding the operation of the City parks and other public recreational areas including the Cross Seminole Trail; and

**WHEREAS**, Policy 1.1.4 of the City's Comprehensive Plan, Recreation and Open Space Element, provides that the City will implement and periodically update recreation guidelines and criteria for park site and facilities based on industry standards and comparison with those of neighboring and comparable jurisdictions; and

**WHEREAS**, the goals, policies, and objectives set forth in City's Comprehensive Plan provide that the City will make available and manage public recreational areas within the jurisdictional limits of the City; and

**WHEREAS**, in furtherance of the City's Comprehensive Plan, the City owns and operates numerous parks and other public recreational areas within the jurisdictional limits of the city of Winter Springs; and

**WHEREAS**, currently the City has adopted various rules and regulations pertaining to the use of City parks and recreational areas that are in effect and that shall remain in effect (until otherwise terminated or amended) to the extent not inconsistent with this Ordinance; and

**WHEREAS**, upon recommendation of the City’s Police Chief and Parks and Recreation Director, the City Commission finds that it is in the best interests of the City to adopt certain rules and regulations applicable to City parks and other public recreational areas by Ordinance to enhance the City’s enforcement capabilities in order to protect the parks and recreational areas from fire, abuse, and desecration; to provide for recreational use of those areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, and welfare of all persons while within the limits of the City parks and other public recreational areas including the Cross Seminole Trail; and

**WHEREAS**, it is the intent and purpose of this Ordinance to discourage the misuse of City Parks and other public recreational areas including, but not limited to, loitering, littering, vandalism, and other nuisances, and to provide for the orderly and safe operation and use of the City Parks and other public recreational areas by park patrons; and

**WHEREAS**, the City Commission acknowledges and finds that portions of the Cross Seminole Trail traverse through the city of Winter Springs and therefore, said portions of the trail are subject to the police powers of the City; and

**WHEREAS**, the City Commission of the City of Winter Springs, Florida, hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Winter Springs.

**NOW, THEREFORE, THE CITY COMMISSION OF THE CITY OF WINTER SPRINGS HEREBY ORDAINS, AS FOLLOWS:**

**Section 1.**     **Recitals.**     The foregoing recitals are hereby incorporated herein by this reference.

**Section 2.**     **Amendment to Chapter 17, Streets, Sidewalks and Other Public Places.**     The City of Winter Springs Code, Chapter 17, Streets, Sidewalks and Other Public Places is hereby amended to create a new Article V entitled, “City Parks and Recreational Areas” as follows: (underlined type indicates additions to the City Code)

**Chapter 17 – STREETS, SIDEWALKS AND OTHER PUBLIC PLACES.**

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**Sec. 17-81 to 17-99 Reserved.**

**ARTICLE V. CITY PARKS AND RECREATIONAL AREAS.**

**Sec. 17-100. - Definitions.**

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:

(a) "City Park" means land owned or maintained by the City of Winter Springs and which is designated as a public park or public recreational area by the City's Comprehensive Plan (Recreation and Open Space Element), by a resolution adopted by the City Commission, or by dedication that has been accepted by the City Commission. Included in the definition of the term "City Park" are the City's special use facilities (e.g., senior center) and all natural resources, wildlife, facilities, improvements, waters and materials in, on or under the lands so designated. Properties in any system of trails owned by the City are intended to be designated as a City Park. Further, unless otherwise specifically excluded in this Article, the Cross Seminole Trail shall be considered a City Park for the sole purpose of being subject to the regulations set forth in this Article pursuant to the City's general police powers and not for proprietary purposes.

(b) "Cross Seminole Trail" means the Cross Seminole Trail and trail heads, whether paved or unpaved, located within the jurisdictional limits of the city of Winter Springs.

**Sec. 17-101 - Hours of operation and general use.**

(a) All City Parks shall be closed during the evening time period from dusk (sunset) to dawn (sunrise) unless otherwise provided for herein. Signs stating park hours shall be posted prominently in each City Park.

(b) Programs or events sponsored or approved by the City, or for which the City has issued a permit, shall be permitted to use the City Park during such program or event for the period of time approved by the City.

(c) The City Commission by resolution or the City Manager by administrative rule may adopt more restrictive or extended hours for any particular City Park on a case-by-case basis if legitimate circumstances warrant hours of operation different than those set forth in subparagraph (a) of this section. More restrictive or extended hours for the Cross Seminole Trail may be posted by Seminole County or the City.

(d) The City Commission or the City Manager may close any City Park as deemed appropriate in the event of an emergency or an imminent threat to the public health, safety or welfare.

(e) Persons using any City Park do so at their own risk.

(f) Adults are responsible for children that they bring to a City Park or who are otherwise under their care, custody or control.

**Sec. 17-102. - Traffic.**

(a) The State Uniform Traffic Control Laws, Chapter 316, Florida Statutes, are incorporated by reference and made part of this article and shall apply to the

operation of all motor vehicles, as defined in Chapter 316, on streets and roads in all City Park(s), unless modified herein. Law enforcement officers and City employees are hereby authorized to direct traffic whenever necessary within the City Park(s).

(b) It is unlawful to operate, drive or park any motor vehicle or other vehicle upon any road, driveway, path, trail, parking area, or other area within a City Park except when the area has been marked, permitted or approved for such activity or activities either by permanent signage or markings or when permitted by the City in the course of a public event or activity.

(c) It is unlawful to cause any vehicle for hire to stand upon any part of a City Park for the purpose of soliciting passengers.

(d) Pursuant to Section 316.008(1)(e), Florida Statutes, which authorizes the City to establish speed limits on City streets in public parks, it is unlawful to drive a vehicle at a rate of speed exceeding ten miles per hour in any City Park unless the City has posted a greater speed limit.

(e) It is unlawful to enter or exit from any City Park in any vehicle except at entrances and exits designated for such purpose by the City.

(f) It is unlawful to leave a vehicle standing or parked in established parking areas or elsewhere in a City Park during hours when the City Park is closed.

**Sec. 17-103. - Pollution and litter.**

(a) It is unlawful to throw or place or cause to be thrown or placed, any litter, dirt, filth, or foreign matter into the waters of any lake, pond, canal, pool, river, creek, inlet, tank or reservoir in any City Park or on the grounds of any City Park.

(b) It is unlawful to cause any pollutant, as defined in Section 206.9925 or Section 376.031, Florida Statutes, to be placed in or to otherwise pollute the lands or waters of a City Park.

**Sec. 17-104. - Removal of natural resources.**

(a) It is unlawful to remove any beach sand, whether submerged or not, any soil, rock, stones, plants, trees, shrubs, wood, flora, fauna or their materials from the City Park unless issued a general or specific permit to do so by the City for the purposes of educational activities or good husbandry.

(b) It is unlawful to cause or make any excavation by tools, equipment, blasting or other means or agency at a City Park unless issued a general or specific permit to do so by the City for the purposes of educational activities or good husbandry.

(c) Subsections (a) and (b) does not apply to City or Seminole County workers or

authorized contractors performing maintenance and upkeep of the City Parks at the direction or consent of the City.

**Sec. 17-105. - Fireworks; destructive devices; weapons; other potentially dangerous uses.**

(a) It is unlawful to carry, fire or discharge any explosive, or weapon as those terms are defined in Section 790.001, Florida Statutes, or any fireworks, as defined in Section 791.01, Florida Statutes, of any description in a City Park. However, the City Commission hereby expressly recognizes the state law preemption of firearms and ammunition pursuant to Section 790.33, Florida Statutes, and therefore, this Section shall not apply in any respects to firearms and ammunition.

(b) The City may authorize or issue permits for fireworks displays for City sponsored events and activities.

(c) It is unlawful to carry, fire or use rockets and radio controlled planes, boats, cars and helicopters at a City Park unless such uses are specifically authorized or permitted by the City.

**Sec. 17-106. - Hunting/wildlife preservation and conservation.**

(a) It is unlawful to harass, hunt, catch, harm, kill, trap, shoot, shine lights at or throw missiles at any animal, of any type or species, in any City Park. Exception to the foregoing is made in that snakes known to be deadly poisonous may be killed on sight in self-defense.

(b) It is unlawful to use nets to catch fish in any publicly owned body of water or within any City Park.

(c) It is unlawful to use troutlines to catch fish in any publicly owned body of water or within any City Park.

(d) It is unlawful for a person to remove or have in his or her possession any wild animal, of any type or species, or the eggs or nest of young reptile or bird which is or was located in a City Park.

(e) It is unlawful to introduce into or leave any wild animal in a City Park.

(f) The City may issue permits to allow activities and actions that are otherwise contrary to the provisions of this section if the City determines that the activities and actions will be accomplished for management, scientific or husbandry purposes and are consistent with the public interest.

**Sec. 17-107. - Domestic and other animals.**

(a) It is unlawful to allow any pet or domestic animal, as defined in Section 585.001 or Section 823.041, Florida Statutes, under a person's care, custody or control into any City Park unless the rules promulgated by the City with regard to the particular City Park specifically authorizes such animals to be present and, in the event of such rules being promulgated, a person may act in accordance with such rules.

(b) It is unlawful to abandon any domestic animal, as defined in Section 585.01 or Section 823.041, Florida Statutes, into or at a City Park.

(c) It is unlawful to feed any animal at a City Park unless the rules promulgated by the City, or a permit issued by the City, with regard to the particular City Park or specific activity specifically authorizes the feeding of animals.

(d) The rights of persons to use service animals (e.g. dog guides) in accordance with the provisions of Section 413.08, Florida Statutes, shall not be violated or abridged by application of the provisions of this section.

**Sec. 17-108. - Alcoholic beverages/tobacco products; Gambling.**

(a) It unlawful for a person to possess or consume any alcoholic beverage or beverages, as defined in Section 856.015 or Section 561.01, Florida Statutes, in any City Park unless authorized or permitted by the City for a particular event occurring in a City Park.

(b) It is unlawful for a person to consume any tobacco product in any City Park in an area that is posted or noticed as a "non-smoking/tobacco free" area or if instructed by a City employee that an area has been designated as a "non-smoking/tobacco free" area due to its particular usage such as playing fields and areas reserved for children.

(c) It is unlawful to engage in any gambling activity or game of chance, as generally described by various names pursuant to chapter 849, Florida Statutes, or be in possession of any gambling device, as defined in section 849.231, Florida Statutes, in any City Park unless authorized by law and approved in advance by the City.

**Sec. 17-109. - Trespass.**

(a) It is unlawful for a person to enter or remain in a City Park without a permit when a City Park is closed.

(b) It is unlawful for a person to enter or remain in a City Park when that person's right to use the City Park has been suspended by the City pursuant to

Section 17-124 of this Article.

(c) It is unlawful for a person to enter or remain in any secure or locked area of or building in a City Park that is not intended to be open to the public.

(d) It is unlawful for a person to enter or remain in a City Park when ordered to leave the City Park by any Law Enforcement Officer or City or Seminole County employee who has been authorized to communicate an order to leave a City Park.

(e) It is unlawful for a person to enter or remain in a City Park when that person is prohibited by law or court order to be in a City Park.

(f) Any person violating the provisions of this section shall be subject to the civil penalties provided under this Article and criminal penalties provided by applicable trespass laws including, but not limited to, section 810.09, Florida Statutes.

**Sec. 17-110. - Fires.**

It is unlawful to ignite, set or maintain any fire in a City Park unless such fire is within an area designated by the City for fires by signage and postings displayed at the City Park. Included in this prohibition are activities such as the use of portable cooking equipment of whatever type or nature. Any fire authorized by this section shall be continuously under the care and direction of a competent person from the time it is ignited until it is extinguished.

**Sec. 17-111. - Camping and sleeping.**

It is unlawful to sleep, camp, lodge or park a vehicle overnight in a City Park unless the City has designated certain areas for these purposes, but then only to the extent permitted and authorized by the City. Any such activity authorized by the City shall not interfere with the general public's use and enjoyment of the City Park and the intended purpose of the City Park.

**Sec. 17-112. - Noise and other conduct.**

(a) It is unlawful to play any musical instrument or audio amplification system or engage in any activity in such a manner as creates a nuisance or disturbance in a City Park.

(b) It is unlawful to use abusive, threatening, offensive, profane, obscene or foul language or engage in any disorderly conduct or behavior tending to breach the public peace in any City Park.

(c) It is unlawful to use golf clubs within a City Park unless the City Park is designated and authorized for use as a City public golf course, putting green or

driving range. Otherwise, the open possession of a golf club with intent to use it within a City Park shall be rebuttably presumed to be a violation of this section.

(d) It is unlawful to take into, carry through, or put into any City Park, any rubbish, refuse, garbage or other waste (“waste”). Such waste shall be deposited in receptacles so provided by the City. Where receptacles are not provided, all such waste shall be carried away from the City Park by the person responsible for its presence and properly disposed of elsewhere.

(e) It is unlawful to urinate or defecate, or otherwise dispose of human waste, in a City Park except in a designated portable or permanent restroom.

**Sec. 17-113. - Peddling/distribution of materials.**

It is unlawful to engage in any commercial activity for any consideration within a City Park without being authorized or permitted by the City. The following activities shall not be prohibited “commercial activity” pursuant to this section:

(a) The sale of merchandise by the City or commercial activity pursuant to a contract between the City and a vendor that provides goods or services to the patrons of the City Park.

(b) Solicitation and collection of funds or the sale of merchandise or printed material by groups and organizations for the benefit of any charitable institution or organization as defined in § 501(c)(3) of the Internal Revenue Code of the United States or for the benefit of programs and/or projects sponsored by the City; provided, however, any solicitation and collection requiring tents, tables, or any other facility to be installed, erected or parked at the City Park shall require prior authorization and permit from the City.

(c) The solicitation of membership or the collection of dues from members of a group or organization that inure to the benefit of that organization, in accordance with a program or league registered with the City to use the City Park where the solicitation or collection occurs.

(d) Contact between a salesperson and an individual, group or organization using the City Park where the salesperson was invited by the individual, group or organization involved for his or her or its benefit and not to involve persons not associated with the individual, group, or organization.

**Sec. 17-114. - Injuring, interfering with, etc., buildings and other property.**

It is unlawful to mark, deface, disfigure, injure, tamper with, displace or remove any building, bridge, table, bench, fireplace, railing, paving or paving material, waterline or other public utility or part or appurtenance thereof, sign, notice, or placard monument, stake, post, or other structure, equipment or any facilities,

property or appurtenances whatsoever, whether temporary or permanent, located at a City Park.

**Sec. 17-115. - Interference with personnel/park operations.**

(a) It is unlawful to interfere with, hinder, or oppose any law enforcement officer or City or Seminole County personnel in the discharge of his or her duties or with the enforcement of this Article.

(b) It is unlawful to interfere with the operations of a City Park by gathering in groups that are not engaged in bona fide recreational activities consistent with the facilities of the City Park and any permit issued by the City.

**Sec. 17-116. – Glass Containers.**

The use of glass containers of any kind in any recreational area of a City Park including, but limited to, playing fields, splash pad areas, pool areas, children playground areas, and trails is prohibited unless such use is in an area where the use of glass containers has been authorized by the City.

**Sec. 17-117. – Airsoft and Paintball Guns; BB Guns.**

The use of airsoft (plastic pellets) guns, paintball guns, paintball markers, and paintball equipment within City Parks is prohibited unless the City has specifically designated an area for the use of this equipment. Paintball equipment includes, but is not limited to: paint balls, paint gun refillable gas tanks, paint gun propellant canisters, and targets. Nothing contained in this section is intended to regulate or apply to firearms and ammunition which are preempted by state law.

**Sec. 17-118. – Bathing; Swimming; Scuba Diving.**

No person shall swim, bathe or wade or scuba dive in any waters or waterways within a City Park except in such waters and at such places and times authorized and posted by the City.

**Sec. 17-119. – Horseback Riding.**

Horseback riding is forbidden in City parks except in such parks and park areas where provision is made for this activity. Horses are restricted to bridle paths, road rights-of-way, and designated horse trails. Horses shall not go unattended.

**Sec. 17-120. - Promulgation of rules.**

(a) The City Manager is hereby authorized to adopt administrative rules supplemental to, and consistent with, the provisions of this Article that he or she deems necessary and appropriate to implement the provisions of this Article

relative to the use of City Parks and the violation of such rules shall constitute a violation of this Article.

(b) In addition to matters otherwise provided for in this Article, the rules of the City may pertain to the appropriate and harmonious use of trails consistent with the multiple uses that will be authorized on the trails, the location of particular recreational activities and other activities at City Parks, whether parks are to be used for active or passive recreational activities, access management with regard to traffic control and management within City Parks, the operation of motor vehicles and other forms of transportation within City Parks, pollution and litter within City Parks, the harming or removal of animals or natural resources within or from City Parks, the use of dangerous instrumentalities within City Parks, the use of alcoholic beverages or tobacco products within City Parks, hunting and fishing within City Parks, domestic animals within City Parks, use of City Park property and the conditions relating thereto, trespass upon and disturbance within City Parks, disorderly conduct and loitering within City Parks, fires and illumination within City Parks, and such other related matters which address the protection of public property located in and good order in City Parks.

(c) The Cross Seminole Trail shall also be subject to applicable rules adopted by Seminole County.

(d) The provisions of this Article and the rules adopted by the City shall be maintained on file at City Hall and at the Parks and Recreation Department office for public inspection and copying.

(e) A general condition of each permit to use a City Park is that the permittee shall abide by and adhere to the provisions of this Article and the rules promulgated by the City, except as may be otherwise specifically permitted by the City by means of a permit issued for a specific event or activity.

(f) The City Manager or authorized designee shall regularly review, or cause to be reviewed, the use of and conditions within each City Park in order to reasonably mitigate against potential public liability relating to City Parks.

(g) The City Manager or authorized designee shall regularly review, or cause to be reviewed, the use and condition of each City Park to ensure compliance with the Americans With Disabilities Act and other laws, rules and regulations where applicable.

#### **Sec. 17-121. - Fees.**

The City Commission may establish by resolution or written agreement with a specific user of a City Park a fee schedule for the use of City Parks.

#### **Sec. 17-122. – Preexisting Rules; Conflicts with Rules.**

(a) All rules regulating City Parks adopted by the City prior to the enactment of this Article on January 23, 2012 shall remain in full force and effect unless in conflict with any provision of this Article.

(b) The provisions of this Article shall prevail over any preexisting or subsequently adopted conflicting City rule regulating City Parks.

**Sec. 17-123. – Enforcement; Penalties.**

(a) City law enforcement and code enforcement officers, the parks and recreation director or authorized designee, and the city manager or authorized designee shall be responsible for enforcing the provisions of this Article, and shall have the authority to order any person or persons acting in violation of this Article to leave the City Park. It is unlawful for a person to remain in the City Park when the person is asked to leave the City Park by a City official pursuant to this section.

(b) City law enforcement and code enforcement shall be responsible for initiating any code enforcement proceedings regarding a violation of this Article.

(c) The enforcement and penalty provisions set forth in this Article are not intended to be exclusive enforcement remedies. Nothing contained herein shall be construed to limit law enforcement and the City from enforcing the provisions of this Article by any other lawful means.

**17-124. – Suspension of Use of City Park.**

(a) The suspension provisions set forth in this section are a management tool independent of any other enforcement tool referenced under this Article for the purpose of managing the City Parks for the common welfare and safety of all City Park patrons and preservation of all City Park facilities. The intent and purpose of this section is to ensure compliance with this Article and to protect the public health, safety, and welfare of City park patrons. Suspension of a person's privilege to use City Parks or facilities therein are intended to occur only when that person has demonstrated an inability to comply with the provisions set forth in this Article or has engaged in certain illegal or violent behavior in a City Park in violation of the law.

(b) A person's privilege to use a City Park or any facility therein may be suspended by the Chief of Police or the City's Parks and Recreation Director when the person has been found guilty of violating any provision of this Article on more than two occasions within a three (3) year period. For purposes of this section, the term "guilty" shall include a plea of nolo contendere, voluntary payment of a citation issued in accordance with this Article, or an adjudication of guilt by a court of law or code enforcement board. The first suspension shall be for a period of up to ninety (90) days, and each additional suspension thereafter, the suspension period

shall be for up to ninety (90) days per applicable offense, not to exceed two (2) consecutive years for any one suspension.

(c) A person's privilege to use a City Park or any facility therein may be suspended by the Chief of Police or the City's Parks and Recreation Director when a person is cited for a violation of 17-109 (b), (d) or (e) for certain trespass cases, or 17-115 for interfering with personnel. Suspension for a first offense shall be for thirty days, plus an additional sixty days for every other similar offense, not to exceed two consecutive years for any one suspension.

(d) A person's privilege to use a City Park or any facility therein may be suspended for up to two consecutive years by the Chief of Police for each incident in which that person has been charged with committing a violent criminal offence in a City Park including, but not limited to, breach of peace under section 870.03, Florida Statutes; affrays and riots under section 870.01; aggravated battery under section 784.045, Florida Statutes, and resisting an officer with violence under section 843.01, Florida Statutes.

(e) A person's privilege to use a City Park or any facility therein may be suspended for up to two consecutive years by the Chief of Police for each incident in which that person has been charged with engaging in or allowing in a City Park the possession, use or sale of controlled substances, as that term is defined in section 893.03, Florida Statutes, in violation of law.

(f) A person's privilege to use a City Park or any facility therein may be suspended for up to two consecutive years by the Chief of Police for each incident in which that person has been charged with engaging in or allowing prostitution in a City Park.

(g) A person's privilege to use a City Park or any facility therein may be suspended by the Chief of Police or Parks and Recreation Director for fees that are past due more than one hundred and twenty (120) days and which are imposed pursuant to this Article or pursuant to a citation imposed for violating the provisions of this Article. However, any suspension imposed under this subsection shall immediately expire at such time the fees are paid.

(g) Any suspension order issued in accordance with this section shall be in writing and shall state the name and address of the person who is subject to the suspension, the cause of the suspension, the duration of the suspension including the effective and expiration date of the suspension, and the City Parks or any facility subject to the suspension. The order shall also state that the person shall have the right to appeal the suspension to the City Manager by delivering written notice of appeal to the City Manager within three (3) business days of the receipt of the order. The notice of the appeal shall state the grounds for the appeal. The City Manager shall set the time and place for hearing such appeal, and notice of the time and place shall be given at least five (5) calendar days prior to the date set for the

hearing. The hearing shall occur no later than ten (10) days after the date the appeal notice is received by the City. Failure to timely file an appeal of a suspension order shall constitute a waiver of the person's right to an appeal and the order shall be deemed final.

(h) The City Manager shall adopt rules and procedures for conducting a fair and impartial hearing to determine compliance with the provisions of this section. All decisions of the City Manager under this section shall be deemed final and shall be subject to appeal to a court of competent jurisdiction.

(i) When a suspension may be ordered up to a maximum number of days under this section, the City shall consider the following factors when determining the length of the suspension: (1) the gravity of the violation; (2) the potential or actual harm or danger the violation had or caused on other patrons or facilities of the City Park; and (3) any mitigating circumstances.

**Section 3. Amendment to Section 2-69.4 of the City Code, Schedule of Violations.** The City of Winter Springs Code, Section 2-69.4 is hereby amended to establish a civil citation penalty for violation of Chapter 17, Article V, of the City Code as follows: (underlined type indicates additions to Section 2-69.4 of the City Code)

<i>Section</i>	<i>Title</i>	<i>Class</i>
<u>Chapter 17, Article V.</u>	<u>City Parks and Other Public Recreation Areas</u>	<u>I</u>
	<u>(except sections 17-104, 17-105, 17-109, 17-110, 17-114, and 17-115 shall be Class III)</u>	

**Section 4. Repeal of Prior Inconsistent Ordinances and Resolutions.** All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

**Section 5. Incorporation Into Code.** This Ordinance shall be incorporated into the Winter Springs City Code and any section or paragraph, number or letter, and any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and like errors may be corrected and additions, alterations, and omissions, not affecting the construction or meaning of this ordinance and the City Code may be freely made.

**Section 6. 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.

**Section 7. Effective Date.** This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Springs, Florida, and pursuant to City Charter.

**ADOPTED** by the City Commission of the City of Winter Springs, Florida, in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**Charles Lacey, Mayor**

**ATTEST:**

\_\_\_\_\_  
**ANDREA LORENZO-LUACES, City Clerk**

**Approved as to legal form and sufficiency for  
the City of Winter Springs only:**

\_\_\_\_\_  
**ANTHONY A. GARGANESE, City Attorney**

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_  
Effective Date: \_\_\_\_\_