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CHAPTER 7 LEISURE & RECREATION SERVICES

7.01 PARKS & RECREATION SERVICES

7.01.01 Definitions & Designations; Violations: The following words, terms and phrases, shall have the meanings ascribed to them and the stated parks shall be so designated as stated in this section, and violations of this title are punishable as provided in chapter 1.05.

Community Parks: Community parks generally serve an area encompassing several neighborhoods. The service area for a community park is designed to serve all citizens within the area. The recommended size of a community park is five (5) acres. Those facilities provided at a community park generally serve various types of athletic activities and may include all of those available at the neighborhood level plus some facilities which are usually not found in neighborhood parks. The following are community parks: City Hall Athletic Fields, Ferry Park, Seabreeze Park, Fred Hedrick Athletic Complex, Jet Stadium, Municipal Softball Complex, Oakland Heights School Athletic Fields and the Tennis Center Complex.

Mini-parks: Mini-parks are the smallest types of parks. The service radius for a mini-park is approximately a quarter ($\frac{1}{4}$) of a mile. Mini-parks are located on small tracks of land primarily serving the public with tot lot play equipment and passive recreation areas. The following are mini-parks: Briarwood Park, Cecelia Park, Comet Park, Gardenia Court Park, Mimosa Park and Vandegriff Park.

Neighborhood Parks: Neighborhood parks generally are developed for the residents of a particular neighborhood with a general service area between a quarter ($\frac{1}{4}$) and a half ($\frac{1}{2}$) mile. Neighborhood parks typically are located in areas easily accessible by bicycle or pedestrian ways. Neighborhood parks may serve up to several thousand people and their minimum area is generally two (2) acres. The facilities provided at neighborhood parks vary with the size of the park. The following are neighborhood parks: Garniers Beach Park, Jet and Holmes Park, Kenwood Park, Vesta Heights Park and Villa Russ Park.

Special Use Community Parks: Special use community parks are recreational facilities that generally serve special event activities. They can be a facility separated from other recreational areas. The following are special use community parks: Fort Walton Landing, Liza Jackson Park and Chester Pruitt Park.

Cultural Centers: Cultural centers are those facilities that are used primarily to enhance the public awareness, enjoyment, and pursuit of arts, music, science, history, cultural diversity, the literary arts, and similar and related activities. Cultural centers are the Municipal Auditorium, the Fort Walton Beach Library, Indian Temple Mound Museum, Camp Walton Schoolhouse Museum, and the Garnier's Post Office Museum.

Recreational Centers: Recreational centers are those facilities that are used primarily to enhance the public awareness, enjoyment, and pursuit of athletic contests, sports, arts and crafts, and similar and related activities. The City's recreational centers are the Fred B. Hedrick Recreation Center; Theo Docie Bass Recreation Center; Chester Pruitt Recreation Center; Creative Senior Community Center; Municipal Tennis Center; the Dirt and Vert Bike and Skate Park.

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7.01.02 Recreational Programs, Fees, Procedures: All parks, recreational centers, and cultural centers shall be under the direction of the parks and recreation Director under supervision of the City Manager. Fees for participation in recreational and cultural events, use of parks and facilities, and attendance at City sponsored recreational and cultural events shall be determined from time to time by resolution of the council. Recreational programs, procedures for use, hours of operations, and related administrative policies and procedures shall be prepared by the city manager.

7.02 PERMITTED USE OF PARKS & RECREATIONAL FACILITIES

7.02.01 Use by Residents, Nonresidents: Park and recreational facilities are primarily provided for the use of bona fide residents of the City. The use of these facilities by other than residents of the City shall be as prescribed from time to time by resolution of the Council and recommendation of the City Manager.

7.02.02 Evidence of Residence: The use of the recreational facilities of the City shall be as prescribed in other sections of this Code. In addition to compliance with such sections, any applicant who desires to use such facilities and be entitled to pay fees charged to residents of the City; county residents, or non-county residents, may be required to furnish proof of residency. Post office box numbers are not acceptable for addresses.

7.02.03 Designation, Operation of Swimming Areas: Swimming areas shall be properly designated and maintained by the parks and recreation Director.

7.02.04 Reservation, Rental, Lease of Facilities: A permit, issued pursuant to the procedure set forth in section 8.3 of the code, is required to reserve, rent, or lease any area of any park, recreational, or cultural facilities for use by a group or individual for any special event.

7.03 RECREATIONAL POLICY

7.03.01 Waterfront Facility Maintenance and Parking: Fees for docking, boat launch and recovery and all administrative policies and procedures for enforcement shall be pursuant to section 7.02.01 and the applicable enforcement provisions of chapter 11.40 of the Code.

For the purpose of this section, "residents" are those citizens who live in the City of Fort Walton Beach, Florida, and have submitted proof of residence and received a decal for boat launch and recovery.

7.03.02 Informational Signs: The City shall erect and maintain informational signs denoting regulations with respect to usage of public access ways to shorelines within the City. In addition, such access ways shall be noted on the appropriate city map.

7.03.03 Acquisition of Open Space: The City shall, to its fiscal ability and as reasonably able, continue to acquire, through lease, acquisition or dedication, open space and natural areas so as to maintain and improve recreational opportunities for all residents and the natural function of open space, wetlands and other sensitive lands within the City.

7.03.04 Beach Renourishment: Beaches renourished at public expense shall be made available for use by the public.

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7.03.05 Accessibility for Disabled: The City shall continue efforts to ensure that all recreational facilities are accessible by all age groups, the handicapped and the physically disabled.

7.04 MUSIC IN CITY PARKS

7.04.01 Permitted Uses: No person shall play musical instruments or equipment capable of producing high noise levels in City parks without first obtaining a permit, issued pursuant to the procedure set forth in section 8.3 of the code.

7.04.02 Time for Music in Parks: Permits may be issued authorizing the playing of music in City parks from 9:30 a.m. through sunset each day, except as permitted in the Downtown Business and Entertainment District in Section 8.09.

7.05 BEHAVIOR AND CONDUCT IN PARKS, RECREATIONAL, CULTURAL CENTERS

7.05.01 Misuse of Park Property: No person in a park shall:

- (1) **Disfigure or Remove Property.** Willfully mark, deface, disfigure, injure, tamper with, or displace or remove, any buildings, bridges, tables, benches, fire places, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts, or other boundary markers, fences, gates or other structures of equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- (2) **Misuse of Restrooms.** Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five (5) years shall use the restrooms and washrooms designed for the opposite sex.
- (3) **Erect Structures.** Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except as permitted pursuant to the procedure set forth in section 8.3 of the code, as amended.
- (4) **Injury to Trees, etc.** Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area.
- (5) **Injury to Animals.** Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his or her possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins or coral snakes may be killed on sight.

7.05.02 Proper Sanitation in Parks: No person in a park shall:

- (1) **Water Pollution.** Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, canal, bayou, bay, or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

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- (2) **Litter, Trash Disposal.** Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where 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.

7.05.03 Traffic in Parks: No person in a park shall:

- (1) **State Vehicle Laws Apply.** Fail to comply with all applicable provisions of the State motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this chapter or other ordinances.
- (2) **Motor Vehicles in Parks.** Operate any motorized vehicle other than in designated parking areas, except as permitted pursuant to the procedure set forth in section 8.3 of the code, as amended.
- (3) **Enforcement of Traffic Regulations.** Fail to obey all traffic officers and such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations.
- (4) **Failure to Obey Traffic Signs.** Fail to observe carefully all traffic signs indicating speed, direction, caution stopping, parking, and all others posted for proper control and to safeguard life and property.
- (5) **Overnight Parking of Boats Prohibited.** No person shall park any craft on City waterfront property between the hours of 10:00 p.m. and 5:00 a.m. of the following day. Exceptions to City waterfront parking restrictions at the Fort Walton Landing may be approved by the City Manager.

7.05.04 Certain Recreational Activities Prohibited: No person in a park shall:

- (1) **Bathing and Swimming.** Swim, bathe, or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided, and in compliance with such regulations as are herein set forth or may hereafter be adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the City upon a finding that such use of the water would be dangerous or otherwise inadvisable.
- (2) **Structures on Beach.** Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there shall be an unobstructed view into said tent, shelter or structure from at least two (2) sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other object outside thereof.
- (3) **Bath-Houses.** Dress or undress on any beach, or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.
- (4) **Boating in Designated Areas.** Bring into or operate any boat, raft, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the City. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

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7.05.05 Prohibited Behavior: No person in a park shall:

- (1) **Alcoholic Beverage in Parks Prohibited.** Consume or possess any alcoholic beverage in any City park, recreational, or cultural center except as permitted pursuant to the procedure set forth in section 8.3 or 8.09 of the code, as amended.
- (2) **Glass Containers Prohibited.** Possess a beverage in a glass container in any park in the City.
- (3) **Fires Prohibited.** Build or attempt to build a fire except in such areas designated for fires. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
- (4) **Closed Areas.** Enter an area posted as "Closed to the Public," nor shall any person use, or abet the use of any area in violation of posted notices.
- (5) **Loitering and Boisterousness.** Sleep or protractedly lounge on the seats, or benches, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- (6) **Interference with Others.** Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority of a permit.

7.05.06 Animal Control

7.05.061 Definitions:

Animal: Shall be construed to include every living dumb creature.

Custodian: Any person or agent designated by the owner of an animal to provide care, shelter, protection, refuge or food and otherwise control the animal's actions.

Direct control: The immediate, continuous physical control of a dog or cat by means of a leash or other tether of sufficient strength to restrain the animal. Direct control shall not include verbal or aural control.

Owner: Any natural person, firm, association or corporation who owns, keeps, harbors or controls an animal, and the knowledge and acts of agents and employees of corporations in regard to animals transported, owned, employed by or in the custody of a corporation shall be held to be the knowledge and acts of such corporation.

7.05.062 Direct Control: The owner or custodian of an animal shall have direct control at all times an animal is in a Community or Special Use Community park or near a recreational and cultural center.

7.05.063 Not Permitted in Certain Areas: Animals, other than dogs used to aid the blind, are not permitted inside any recreational or cultural center.

7.05.064 Other Conditions of Animal Presence:

- (1) No animal shall be permitted to run at large at City parks. No animal shall be permitted to destroy

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or damage public real or personal property, or interfere with the reasonable use and enjoyment of the parks.

- (2) The owner or custodian of an animal shall immediately remove and dispose of the animal's waste upon any public or private property when the owner or custodian of the animal could reasonably be expected to be aware of the waste or has received notice of the existence of the waste.
- (3) No owner or custodian shall leave an animal closed in or confined to a vehicle at a park, recreational, or cultural center unless the animal is confined in a cage or container or temporarily securely tethered by a device that will not permit the animal to fall or jump from the vehicle, and that provides adequate air for its consumption.
- (4) No person shall conduct, sponsor or participate in a performing animal exhibition, display, circus or rodeo in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering. All equipment on performing animals shall fit properly and be in good working condition.

7.05.07 Use by Sexual Predators Prohibited: It is unlawful for a sexual predator to use, enter into, be in or remain in any City community park, mini-park, neighborhood park, special use community park, cultural center, or recreational center. For the purpose of this section, "sexual predator" shall have the meaning defined in section 775.21 of the Florida Statutes (2007), as amended.

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**CHAPTER 7
TABLE OF HISTORICAL NOTES AND REFERENCES**

2005 Code Section	1992 Code Section	State Law References/ Other Historical Notes
	21-1 to 21-6	
	24-1, 24-26 to 24-29; 26-1, 26-2, 26-3, 26-4, 26-5, 26-21, 26-22, 26-23, 26-24, 26-28, 26-29, 26-30, 26-31	Repealed: Ord. 1669 (11-8-05)
7.01		Ord. 1669 (11-8-05)
7.02		Ord. 1669 (11-8-05)
7.02.04		Ord. 1823 (3-9-10)
7.03		Ord. 1669 (11-8-05)
7.03.01		Ord. 1770, § II (9-23-08)
7.04		Ord. 1669 (11-8-05)
7.04.01		Ord. 1823 (3-9-10)
7.04.02		Ord. 1823 (3-9-10), Ord. 1892 (3-25-14)
7.04.03		Ord. 1823 (3-9-10)
7.05		Ord. 1669 (11-8-05)
7.05.01		Ord. 1823 (3-9-10)
7.05.03		Ord. 1823 (3-9-10)
7.05.04		Ord. 1823 (3-9-10)
7.05.05		Ord. 1692, § 2, (3-14-06); Ord. 1823 (3-9-10), Ord. 1892 (3-25-14)
7.05.07		Ord. 1753, § 3 (2-26-08)