

ORDINANCE NO. 09-27

AN ORDINANCE OF OSCEOLA COUNTY, FLORIDA, REPEALING ORDINANCE NO. 87-2; PROVIDING PROHIBITIONS FOR PERSONS IN OR ON COUNTY PARKS, PUBLIC BOAT RAMPS AND OTHER RECREATIONAL AREAS OR FACILITIES DURING HOURS WHEN SUCH AREAS ARE CLOSED TO THE PUBLIC; PROVIDING FOR PUBLIC BOAT RAMP REGULATIONS; PROVIDING FOR CONSTRUCTION AS TO LAW ENFORCEMENT OFFICERS, MEDICAL PERSONNEL AND FEDERAL, STATE OR COUNTY AGENTS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Osceola County, Florida ("the Board"), finds it is in the best interest of the public health, safety and welfare to prohibit any person to be in or on the premises of any County park, public boat ramp or other recreational facility during the hours such areas are closed to the public; and

WHEREAS, the Board further finds it necessary for the public health, safety and welfare to regulate the commercial use of public boats ramps under the ownership, care, custody or jurisdiction of the County.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. RECITALS.

The foregoing recitals are true and correct and incorporated herein by reference.

SECTION 2. REPEAL OF ORDINANCE NO. 87-2.

Ordinance No. 87-2 is hereby repealed.

SECTION 3. GENERAL PROHIBITIONS.

It is unlawful for any person to be in or on the premises of any County park, public boat ramp or other recreational area or facility (or any such similar place or facility that is under the ownership, care, custody or jurisdiction of the County) which has been designated by the Board as having certain hours during which it is to be closed to the public. Furthermore, that certain public boat ramp known as Sexton Park shall be closed to the public during the hours of sunset and 8:00 a.m. It is unlawful for any person to be in or on the premises of, or use, any County park, public boat ramp or other recreational area or facility (or any such similar place or facility that is under the ownership, care, custody or jurisdiction of the County) contrary to the intended use of such facility as may be determined by the Board.

SECTION 4. PUBLIC BOAT RAMPS.

- A. Docking and Mooring.** It is unlawful and prohibited for any person to exceed fifteen (15) minutes docking time for the loading or unloading of passengers or materials within the area of, or for the mooring of watercraft for more than fifteen (15) minutes to, any public boat ramp under the ownership, care, custody or jurisdiction of the County.
- B. Prohibitions.** All public boat ramps and adjacent parking areas and/or facilities under the ownership, care, custody or jurisdiction of the County shall be used for non-commercial recreational use only, and it is unlawful and prohibited for any person to do any of the following at, or in conjunction with, the County's public boat ramps or adjacent parking areas and/or facilities:
1. Use the public boat ramps or adjacent parking areas and/or facilities for any commercial activity or purpose including, without limitation, any commercial airboat or other commercially engaged motorboat business.
 2. Use the public boat ramps or adjacent parking areas and/or facilities for the picking up or dropping off of passengers for hire by vessel.
 3. Solicit or advertise for commercial activity at the public boat ramps or adjacent parking areas and/or facilities.
 4. Solicit or advertise elsewhere in the County for commercial activity at the public boat ramps or adjacent parking areas and/or facilities.
 5. Designate the address of the public boat ramp or adjacent parking areas and/or facilities as the physical address of a commercial business or the meeting place of commercial activity.

6. Collect, or attempt to collect, any compensation at the public boat ramps or adjacent parking areas and/or facilities for any commercial activity or purpose.

C. Exemptions.

1. Prohibitions 1 and 2 listed above shall not apply to:
 - a. Commercial airboat or other commercially engaged motorboat businesses serving groups of four persons or less, including the guide, not more than two times over a twenty-four (24) hour period, provided that such a business holds all of the required federal, state and local licenses, occupational and otherwise.
2. All of above listed prohibitions shall not apply to:
 - a. Any real and personal property owned by the County and leased to a private vendor for the purpose of operating and maintaining the property in accordance with a written agreement between the County and the vendor. At a minimum, such a written agreement between the County and a vendor shall require the vendor to do the following:
 1. maintain insurance of the type and amount reasonably acceptable to the County;
 2. name the Osceola County Board of County Commissioners as an additional insured under said insurance policy, and provides the County with proof of same;
 3. indemnify the County and hold the County harmless for all damages, losses and expenses suffered by the County caused by the vendor; and
 4. obtain all of the required federal, state and local licenses, occupational and otherwise, required to successfully perform the services set forth in its lease agreement with the County.
 - b. Any public boat ramps or docks, and attendant recreation areas and facilities, subject to a Cooperator Agreement between the County and the Florida Fish and Wildlife Conservation Commission for the term of said Agreement.

D. Enforcement and Penalties for Violations of this Section.

1. The provisions of this Section shall be enforced as provided in Chapter 7 of the Osceola County Code of Ordinances and any amendment(s) thereto.
2. No person shall oppose, obstruct or resist any enforcement officer, designated County staff, any person authorized by the enforcement officer or designated County staff, or Sheriff's deputy or other authorized law enforcement officer in the discharge of his or her duties, as provided in this Section.
3. The remedies and penalties provided in this Section are not exclusive, and the County may seek whatever other remedies are authorized by statute, at law, or in

equity against any person who violates the provisions of this Section.

SECTION 5. **CONSTRUCTION AS TO LAW ENFORCEMENT OFFICERS,
MEDICAL PERSONNEL AND FEDERAL, STATE OR COUNTY
AGENTS.**

Nothing herein shall be construed as applying to law enforcement officers, emergency medical personnel or federal, state or County agents in the performance of their authorized duties.

SECTION 6. **CONFLICT.**

All Ordinances or parts of Ordinances in conflict herewith shall be and the same are hereby repealed to the extent of such conflict.

SECTION 7. **SEVERABILITY.**

If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstance.

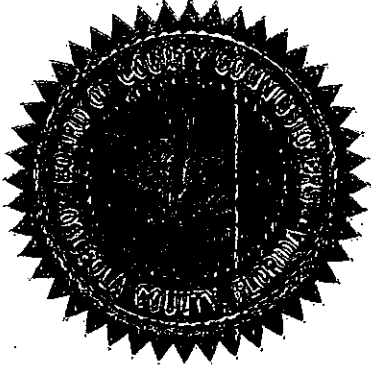
SECTION 8. **CODIFICATION.**

It is the intention of the Board that the provisions of this Ordinance shall become, and be made a part of, the Osceola County Code of Ordinances. The word "Ordinance" may be changed to "section," "article," or another appropriate word or phrase, and the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention.

SECTION 9. **EFFECTIVE DATE.**

The Clerk shall file a certified copy of this Ordinance with the Department of State within ten days of its adoption. This Ordinance shall take effect immediately upon its filing with the Department of State.

DONE AND ORDAINED this 21 day of December 2009, at
Kissimmee, Osceola County, Florida.



**BOARD OF COUNTY COMMISSIONERS
OSCEOLA COUNTY, FLORIDA**

By: *Paul Carpenter*
Chairman/Vice Chairman

ATTEST:

Jammy Ross
Clerk/Deputy Clerk of the Board

NOTICE THAT THIS ORDINANCE WAS
FILED WITH THE FLORIDA STATE BUREAU
OF ADMINISTRATIVE CODES.

ON December 24, 2009

BY *Paul Carpenter*
DEPUTY CLERK OF THE BOARD