

**MEMORANDUM**

**TO:** Mayor Samora  
Vice Mayor Rumrell  
Commissioner England  
Commissioner George  
Commissioner Torres

**FROM:** Max Royle, City Manager 

**DATE:** December 8, 2021

**SUBJECT:** Ocean Hammock Park: Review of Regulations

Because of the improvements planned for Ocean Hammock Park, Mayor Samora has asked for a review of the regulations concerning what's allowed/not allowed in the Park.

Attached is a memo (pages 1-2) from Ms. Dariana Fitzgerald, in which she describes the City's current regulations concerning the Park and park regulations from neighboring governments. She has attached as pages 3-7 a copy of the City's current regulations.

**ACTION REQUESTED**

It is that you discuss whether the City's current regulations are sufficient or whether they need to be changed. If the latter, then you can decide what the changes are, and the City Attorney can prepare an ordinance from your February 7<sup>th</sup> meeting.

Chief Carswell may have suggestions for changes.

## **MEMORANDUM**

**TO:** Max Royle, City Manager  
**FROM:** Dariana Fitzgerald, Deputy City Clerk  
**DATE:** December 6, 2021  
**SUBJECT:** Ocean Hammock Park Regulations

### CURRENT OCEAN HAMMOCK PARK REGULATIONS

Ocean Hammock Park is specifically referenced in Section 5, Article III (5.31 to 5.38), and Section 19.32 of the City Code. Those Sections are attached.

In summary, those sections regulate the following:

- a. Sets park hours (6:00-6:00 November to April and 6:00-8:00 May to October), speed limit (10 mph), and gives law enforcement the authority to remove persons and to tow vehicles violating open hours. Gives authority to City Administration and Police Department to change the park hours and close the park when necessary.
- b. Prohibits consumption of any alcoholic beverage and possession of any open container.
- c. Prohibits all soliciting, sales, or any other business or service within the park or on the adjacent roadway, exception for licensed concessions under City's authority. Prohibits use of the park for providing food, clothing, shelter, or medical care to persons unless given written permission by the City.
- d. Prohibits overnight camping.
- e. Prohibits parking and walking in off-limit areas or any other form of damage or molestation to the park's natural flora or fauna, including hunting or trapping.
- f. Establishes a leash requirement for domesticated animals within the park. Prohibits horses.
- g. Prohibits fireworks, except as part of a City event authorized by the City Commission, or any other form of fire or use of any personal grill. Grilling may be allowed if the City designates areas for such and provides grills for public use.
- h. Requires that trash be disposed of properly.

### PARK REGULATIONS BY NEIGHBORING GOVERNMENTS

In a review of neighboring government agencies' park regulations, the City's Code already matched most regulations, but the following differences were noted. These regulations could be discussed for possible inclusion into our own Code.

- a. St. Augustine: Prohibiting hammocks attached to park trees or property, prohibits graffiti, prohibits using restrooms for bathing, prohibits tying animals to park property, prohibits using park electrical outlets

- b. St. Johns County: Allows only human-powered vehicles trails, prohibits wading or swimming in areas not designated for such, prohibits weapons or trapping devices
- c. Palm Coast: Notice that persons using any city park do so at their own risk and that adults are responsible for any children they bring to the parks, prohibits use of golf clubs within parks, prohibits feeding of animals
- d. Jacksonville Beach: Prohibits washing or maintenance of vehicles except in emergencies, prohibits gambling, prohibits smoking, vaping, or use of any other tobacco products
- e. Palatka: Prohibits games with thrown projectiles (balls, arrows, model airplanes, etc.) except in designated areas, designates Police for Lost & Found
- f. Green Cove Springs: Prohibits use of a park for any meeting, demonstration, tournament, or any other large gathering without a permit

The regulations of Atlantic Beach, Beverly Beach, Bunnell, Daytona Beach, Daytona Beach Shores, Fernandina Beach, Flagler Beach, Keystone Heights, Orange Park, Clay County, Flagler County, and Volusia County were also reviewed, but they did not contain any notable regulations differing from our current ones or the ones noted above.

## ARTICLE III. - OCEAN HAMMOCK PARK

## Sec. 5-31. - Definitions.

All definitions as set forth in the city land development regulations shall have the same meaning herein.

(Ord. No. 12-04, § 2, 6-4-12)

## Sec. 5-32. - Alcoholic beverages.

- (a) In this section "unsealed container" means any container that is not the original container in which the alcoholic beverage was originally bottled, canned or otherwise encased. "Unsealed container" also means any container that has been opened, tapped or unsealed regardless of whether or not the container has been resealed or reclosed.
- (b) It is unlawful for any person to consume or drink any beer, wine, liquor, or other beverage or liquid containing alcohol while such person is within Ocean Hammock Park.
- (c) It is unlawful for any person to be in actual or constructive possession of any unsealed bottle, can or other container that contains beer, wine, liquor or other beverage or liquid containing alcohol when such unsealed container is within Ocean Hammock Park.
- (d) It is unlawful for the owner, driver or possessor of any vehicle to have in such vehicle any unsealed bottle, can or other container that contains beer, wine, liquor or other beverage or liquid containing alcohol while such vehicle is within Ocean Hammock Park.
- (e) Possession of an open or an unsealed container containing an alcoholic beverage by any person in the areas prohibited by this section shall be prima facie evidence of violation of this section.
- (f) Any law enforcement officer who legally discovers or observes abandoned or unclaimed alcoholic beverages or abandoned or unclaimed unsealed containers containing beer, wine, liquor or other beverages or liquids containing alcohol within Ocean Hammock Park may seize the alcoholic beverage and/or unsealed container and remove same for evidence or destruction. No person shall have a claim of action against the law enforcement officer, the city or the city's employees for such lawful seizure or destruction of the container or its contents.

(Ord. No. 12-04, § 2, 6-4-12)

## Sec. 5-33. - Soliciting and peddling prohibited.

No person shall expose or offer for sale any article or thing nor shall any person station or place any stand, cart or vehicle for the transportation, sale or display of any such article or merchandise within the limits or adjacent roadways of the park. Exception is made to licensed concessionaires acting by and under the authority of the city. Any publicity, posted signs or announcement placed in or on park property must have the prior approval of the city.

(Ord. No. 12-04, § 2, 6-4-12)

Sec. 5-34. - Park hours, speed limit and traffic signs.

- (a) Ocean Hammock Park will be open during the months of November 1 through April 30 of each year between the hours of 6:00 am and 6:00 pm. During the months of May 1 through October 31, the park will be open between the hours of 6:00 am and 8:00 pm.
- (b) The law enforcement department is authorized to set more limited hours for Ocean Hammock Park for opening and closing and to erect or cause to be erected signs and markings for the regulation of the park hours and motor vehicle traffic and parking.
- (c) The law enforcement department may utilize appropriate vehicular and pedestrian control devices including signs, gates, fences and similar structures to limit access to the park or areas within the park. All signs shall comply in shape, size and construction with the regulations promulgated by the Florida Department of Transportation when such regulations are applicable. Whenever signs or markings are placed in position approximately conforming to the requirements of this article, such signs and markings shall be presumed to have been placed by lawful act or direction of the law enforcement department, unless the contrary shall be established by competent substantial evidence.
- (d) The speed limit for vehicles within Ocean Hammock Park shall be 10 mph.
- (e) Ocean Hammock Park will be open as posted on buildings or entrance areas.
- (f) No person shall remain in Ocean Hammock Park after the park or facility is closed.
- (g) Any vehicle left within the park after hours may be subject to towing at the owner's expense or may be subject to a gate opening fee, as determined by the law enforcement department and posted by appropriate signage.
- (h) Any section or part of any park or facility may be declared closed by city administration or the city police department at any time or limited to certain users or times as public health, safety and welfare demands or safety and security warrants.

(Ord. No. 12-04, § 2, 6-4-12)

Sec. 5-35. - Park property and wildlife.

- (a) All park property, facilities and equipment shall be used for the purpose for which it was designed.
- (b) No person shall drive or park a vehicle anywhere within the park except for areas specifically designated.
- (c) No person shall walk or traverse over any area of Ocean Hammock Park not designated as public areas or where signs are posted marking areas as off limits.
- (d) Overnight camping within Ocean Hammock Park is hereby prohibited.
- (e) Parks shall be used for recreation and relaxation, ornament, light and air for the general public. Parks shall not be used for business or social service purposes unless authorized pursuant to a written agreement with city. As used herein, social services shall include, but not be limited to, the provision of food, clothing, shelter or medical care to persons.
- (f) No person shall cut, carve or injure the bark or break off the limbs or branches, or mutilate in any way or pick the flowers or seeds of any tree or plant existing within Ocean Hammock Park. Nor shall any person dig in or otherwise disturb sand, grass or other natural areas or in any other way injure or impair the natural beauty or usefulness of any area. Removal of any plant material without the prior approval of the city is strictly prohibited.
- (g) No person shall molest, harm, frighten, kill, trap, hunt, chase, capture, shoot or throw any object which may scare, spook, threaten or harm any wildlife within the park. Nor, shall any person make any noise which causes such harm to the park wildlife.
- (h) Horses are not allowed within Ocean Hammock Park.
- (i) Dogs, cats and other domesticated animals of any kind shall be on a leash or otherwise restrained within the park. Assistance, service, police K-9, rescue, and fire dogs are allowed with handlers.

(Ord. No. 12-04, § 2, 6-4-12)

#### Sec. 5-36. - Fireworks and campfires.

- (a) No person shall discharge any fireworks within Ocean Hammock Park unless done as part of a special event authorized by the city commission. Fireworks shall mean any combustible or explosive composition or substance or combination of substance or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation.
- (b) No person shall start or cause to be started any fire, nor any campfire or grill, to ignite or cause flame within the park. Should the city provide outdoor grills within the park, only the areas designated for grilling shall be allowed to have a flame or fire and charcoal shall be the only allowed combustible/flammable substance used for cooking and the use shall be limited

solely to cooking.

(Ord. No. 12-04, § 2, 6-4-12)

Sec. 5-37. - Trash disposal.

Park patrons are responsible at all times for proper disposal of their trash. Any trash generated outside park and recreation facilities may not be disposed of inside the park.

(Ord. No. 12-04, § 2, 6-4-12)

Sec. 5-38. - Interference with authorized activities.

No person or group shall interfere with any activities or event authorized by the city.

(Ord. No. 12-04, § 2, 6-4-12)

Sec. 19-32. - Extended parking prohibited.

- (a) It shall be unlawful for any person to park a vehicle for more than twenty-four (24) hours continuously in the same location upon any street where the parking limit time is not otherwise designated.
- (b) Overnight camping on plazas east and west of A1A Beach Boulevard, in Ocean Hammock Park and any area designated for paid parking is prohibited.

(Ord. No. 82, § 5, 9-8-80; Ord. No. 19-08, § 7, 7-1-19)