

MUNICIPAL PARKS, BEACHES AND OTHER RECREATIONAL SITES

Sec. 101.15. DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Motor vehicle. Any self-propelled motorized device designed and used for the purpose of transporting or moving any person or property from one place to another but not operated upon rails or guideway, including but not limited to the following: all-terrain vehicles (ATVs) and powered paragliders.

Municipal beach. All the fractional east half of Section 16, Township 46 South, Range 43 East together with that part of Lots 9, 10, 11, 12 and 13 lying east of State Road A1A, as described in a replat of part of Segers Addition, recorded in Plat Book 16, Page 89, Palm Beach County records; and that part of Lots 4, 5, 6, 7 and 8, Block E, and the south 10 feet of Lot 3, Block E, as described in the Revised Plat of Block D & E, Palm Beach Shore Acres, recorded in Plat Book 7, Page 38, Palm Beach County records; and Atlantic Dunes Park, all lying east of the east curb of State Road A1A (Ocean Boulevard), including the waters of the Atlantic Ocean within the boundaries of this City.

Park. Any land owned or controlled by the City under the management and administration of the Parks and Recreation Department and devoted primarily to outdoor recreation activities.

Recreation site. Any facility, except a park, owned or controlled by the City, under the management and administration of the Parks and Recreation Department and devoted primarily to indoor recreation activities.

Vehicle. Any device designed and used for the purpose of transporting or moving any person or property from one place to another but not operated upon rails or guideway, including, but not limited to, the following: parachutes.

(Code 1980, § 17-13; Ord. No. 33-79, passed 5/29/79; Am. Ord. No. 39-97, passed 9/23/97; Am. Ord. No. 45-97, passed 11/4/97; Ord. No. 39-03, § 1, passed 10/7/03)

Sec. 101.16. PRESERVATION OF PROPERTY AND NATURAL FEATURES.

No person shall injure, deface, disturb or befoul any part of any park or any building, sign, equipment or other property found therein; nor shall any tree, flower, shrub, rock or other mineral be removed, injured or destroyed.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.17. GARBAGE, TRASH, LITTER, SEWAGE AND OTHER WASTE MATERIALS.

- (A) No person shall deposit, permit or suffer to be deposited in any part of any City park, recreational facility or municipal beach site, any garbage, ashes, sewage, refuse, trash, litter, including, but not limited to, cigarettes, cigars, tobacco, paper, bottles, cans, containers, syringes, sanitary products, diapers, or any waste material whatsoever, or any product or thing not indigenous to the beach or recreational facility other than in receptacles or pits provided for the proper disposal of such materials; nor shall any person dump any earth within the City park, recreational facility or municipal beach site without specific written permission from the Parks and Recreation Director. Where public receptacles are not provided, all trash, litter, refuse and garbage shall be carried away from the park, recreational facility or municipal beach site by the person responsible for its presence and properly disposed of elsewhere in an appropriate receptacle.

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- (B) No person shall bring into or cause to be brought into a park, recreation or municipal beach site from outside boundaries, any garbage, ashes, sewage, refuse or depositing in any manner within the park, recreation or municipal beach site.
- (C) No person shall, either within or without a park, discharge into, throw, cast, lay, drop or leave in any lake, river, brook, stream, storm sewer or drain flowing into or through the park, or into any lake, river, brook or stream flowing into or through a park, any substance, matter or thing, either liquid or solid, which may or shall result in the pollution of the lake, river, brook or stream within the park to such an extent as to unreasonably or improperly prevent or interfere with, or lessening to an improper or unreasonable degree, the use of said lake, river, brook or stream for recreational or other proper park uses, or as to endanger the health of visitors in the park in the proper use and enjoyment of the same.

(Ord. No. 66-06, § 2, passed 12/5/06)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.18. HUNTING OR MOLESTING OF WILDLIFE.

No person within the confines of any park shall hunt, pursue with dogs, trap, molest, harm, harass, injure or take any wild bird or animal found within the confines of the park, or therein rob or molest any bird nest or take the eggs of any bird.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.19. FIRES.

No person shall start a fire in any park except small fires for cooking purposes in park grills, or privately owned grills, or fires in places designated as areas approved for such purposes without written permit from the Parks and Recreation Director. The Parks and Recreation Director may, at his discretion, prohibit fires or smoking for limited periods at any location or for any purpose when necessary for the protection of park property. All fires shall be put out by the person or persons starting or using the same before leaving the immediate vicinity of the fire.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.20. FIREARMS AND WEAPONS; FIREWORKS.

No person, except authorized employees or agents of the City, shall possess a firearm, deadly weapon, dangerous ordnance, air rifle, sling shot, missile throwing device or any type of fireworks within any park, recreation or municipal beach site or discharge any firearm, deadly weapon, dangerous ordnance, air rifle, sling shot, missile throwing device or any type of fireworks therein.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.21. CAMPS.

No person shall establish or maintain any camp or other temporary lodging place within any park, recreation or municipal beach site, except in locations especially set aside by the Parks and Recreation Department as camps.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.22. DISORDERLY CONDUCT.

- (A) No person shall recklessly engage in conduct prohibited in Sections 132.01 and 132.02 that inconveniences, annoys or alarms another person or persons within a park, recreation or municipal beach site.
- (B) No person shall enter a toilet room set apart for the opposite sex.
- (C) No person shall play games of chance within any park, recreation or municipal beach site.
- (D) No person shall, by means of any physical act, obstruct, resist or abuse any park peace officer or agent of the Parks and Recreation Department in order to hinder him in the lawful discharge of his duties.
- (E) No person shall indulge in any noisy, boisterous conduct, nor shall any person use any sound amplification device audible more than twenty (20) feet from the device without a specific written permit from the Parks and Recreation Director.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.23. CRIMINAL TRESPASS.

- (A) No person shall remain within any park, recreation or municipal beach site who does not abide by conditions adopted and posted by the Parks and Recreation Department for the preservation of good order and the protection of property within the park. No person shall remain within any park, recreation or municipal beach site who does not abide by the instructions and directions of the duly authorized peace officers or agents of the department, in the lawful performance of their duties. No person shall enter any building that is closed or not available for the public use including, but not limited to, lifeguard towers. Any person directed by a police officer or agent of the department to leave the park, recreation or municipal beach site shall do so promptly and peaceably.
- (B) All persons who take part in any specialized activities for which there is a fee, rental or admission charge must abide by the posted regulations adopted by the department for those specialized activities. No person shall be allowed within the confines of those specialized activities unless they have first paid the fee, rental or admission charge.
- (C) No person shall remain in or use any part of the facilities of any park, recreation or municipal beach during the times these areas are closed.
- (D) No person shall swim, bathe, wade or enter into any waters in any park on municipal beach where prohibited or in a manner contrary to regulations prescribed by the department.
- (E) No person shall fish in any waters in any park on municipal beach contrary to regulations resolved by the department or in water where fishing is prohibited by the department.
- (F) No person or group of persons shall loiter, as defined in Section 132.08, in or near any building, toilet or structures or in or near a motor vehicle or vehicles, on or about a motorcycle or cycles, or on or about bicycles within any park, recreation or municipal beach site.

(Ord. No. 22-06, § 1, passed 5/2/06)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.24. TRAFFIC REGULATIONS.

- (A) No person shall drive, propel or cause to be driven or propelled along or over any road within any park, any vehicle at a greater rate of speed than posted, and in any event, not more than twenty-five (25) miles per hour.
 - (B) No person shall use, operate or propel or cause to be used, operated, or propelled a hang glider, power glider, powered paraglider, parachutes, motorized parasail or any other similar craft that flies overhead except for hot air balloons, airplanes, jets and/or helicopters at the following altitudes:
 - (1) Less than five hundred (500) feet above the corporate limits of the City, except in an emergency or while talking off and landing which shall be made in the most direct and prudent manner.
 - (2) Less than three hundred (300) feet above the Atlantic Ocean in the area within three hundred (300) horizontal feet of the shoreline.
 - (C) No person shall park or store any motor vehicle, motorcycle, bicycle, wagon or other vehicle within a park, recreation or municipal beach site except in places designated for such purposes.
 - (D) Laws of the City requiring lights on vehicles shall apply to vehicles in a park, recreation or municipal beach site.
 - (E) Vehicles shall be restricted to drives, roadways, paths, walks and trails established for such purposes. Footpaths or walks designated for pedestrian travel shall not be used for vehicular travel.
 - (F) No motor vehicles shall be driven upon the municipal beach without a written permit from the Parks and Recreation Department except for emergency vehicles, maintenance vehicles, and vehicles used to transport injured and disabled persons authorized by the City.
 - (G) All ordinances of the City with respect to vehicles shall be in full force and effect in the parks of said City.
 - (H) No person shall ride any horse or other animal within any park and recreation site, except upon bridle paths designated as such.
- (Ord. No. 39-03, § 2, passed 10/7/03; Ord. No. 53-06, § 1, passed 10/17/06; Ord. No. 15-13, § 2, passed 8/20/13)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.25. COMMERCIAL ENTERPRISES; SALE OR RENTAL OF GOODS OR SERVICES.

- (A) No person shall sell or offer for sale any article, thing, privilege or service within any park, recreation or municipal beach site without a permit from the Parks and Recreation Department, and no person shall do any begging, hawking, peddling or soliciting therein.
- (B) No person shall engage in any sale, exchange, barter, rental, lease or other transfer of goods, property or services whether tangible or intangible, on the municipal beach or on the area west of the municipal beach between the easternmost edge of the east curb of State Road A1A (Ocean Boulevard) and the west right-of-way line of State Road A1A (Ocean Boulevard), except pursuant to a nonexclusive license contract, as provided therein.
- (C) Any person desiring to engage in activity prohibited herein shall apply to the City Commission through the City Manager for the execution of a nonexclusive license contract.
- (D) In determining whether it shall grant a license contract, and the terms and conditions thereof, the Commission shall consider, but shall not be limited to, the following criteria:

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- (1) Whether the proposed activity is consistent with the operation of the municipal beach as being noncommercial, recreational and relaxing.
 - (2) Whether the activity is commonly associated with relaxing, noncommercial, recreational marine beaches.
 - (3) The effect on the health, safety and general welfare of the bathers, swimmers and individuals using the beach.
 - (4) The general public's demand for the proposed activity.
 - (5) The extent to which the proposed activity would disrupt or interfere with the general activities on the beach.

The Commission shall place restrictions on the activity as it deems appropriate.

- (E) The Commission shall not permit, and nothing herein shall be construed to allow, the activity proscribed or prescribed herein to be conducted on any portion of the State Road A1A (Ocean Boulevard) right-of-way maintained by the State or its designees.

(Code 1980, § 17-22; Ord. No. 54-83, passed 8/9/83)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.26. SIGNS.

No person shall expose, distribute or place any sign, advertisement, circular, notice or statement, or display any banner, emblem or design, within any park, recreation or municipal beach site without specific permit from the Parks and Recreation Department.

Cross reference(s)—Penalty, § 101.99.

Sec. 101.27. ANIMAL REGULATIONS.

- (A) No person shall herd, graze or permit to run at large within any park any cattle, horse, mule, donkey, goat, swine, sheep or other animal, or any poultry or other fowl.
- (B) No person shall bring into, have or keep in any park, recreation or municipal beach site, any cat, dog or other animal without a specific permit from the Parks and Recreation Department. However, any cat, dog or other animal shall be allowed on the sidewalk and grassy area of the municipal beach between the eastern curb of State Road A1A and western base of the dune for the entire length of the municipal beach and shall be on a leash. For purposes of this Section, the western base of the dune encompasses all vegetative growth that is found on the dune. All animal owners shall be responsible for the cleanup and disposal of their animal waste in this area.

Cross reference(s)—Animals, Ch. 91; penalty, § 101.99.

Sec. 101.28. OBEDIENCE TO LIFEGUARDS.

The duly employed lifeguards of the City are authorized to require persons using the beach to obey reasonable commands designed to protect the public and public property in the use of the municipal beach, and the failure to obey any lawful command of the guards shall be a violation of this Code.

(Code 1980, § 17-15; Ord. No. 33-79, passed 5/29/79)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.29. UNDRESSING ON BEACH; INDECENT APPAREL.

(A) No person shall dress or undress on the beach except in taking off or putting on dressing robes and shoes.

(B) No person shall be dressed in such a manner as to lasciviously expose the sexual organs.

(Code 1980, §§ 17-16, 17-17)

Cross reference(s)—Penalty, § 101.99.

State law reference(s)—Exposure of sexual organs, F.S. § 800.03

Sec. 101.30. NUDE SWIMMING.

No person shall bathe or swim in the Atlantic Ocean contiguous to the municipal beach naked or insufficiently clothed to prevent indecent exposure of the person.

(Code 1980, § 17-18)

Cross reference(s)—Penalty, § 101.99; Nude Bathing, § 132.06.

Sec. 101.31. DANGEROUS OBJECTS PROHIBITED ON MUNICIPAL BEACH.

No person shall throw, cast, deposit or cause to be thrown on the municipal beach any glass, bottles, tin cans, nails, rubbish, trash or any article whatsoever that is or may become a menace to life or limb of any person or bather in the ocean or on the municipal beach.

(Code 1980, § 17-33)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.32. ASSEMBLIES AND SPECIAL EVENTS.

(A) "Special event" shall mean an organized or planned gathering of persons having a common purpose, design, or goal, that is to occur on City-owned, City-controlled, or private property that has an overt impact on the services that are regularly provided by the City, such as health, fire and police. Special events shall include, but are not limited to, festivals, fundraisers, exhibitions, musical performances, races, parades, and athletic events that:

- (1) Require street closings or detours such that the usual flow of pedestrians or vehicular traffic is inhibited; or
- (2) Utilize City property above normal usage; or
- (3) Are intended to or likely to attract substantial crowds; or
- (4) Are unlike the customary or usual activities generally associated with the property; or
- (5) Require the use of City resources, financial or otherwise, in excess of the City's normal day to day operations; or
- (6) Any additional criteria as deemed by the City Manager.

(B) No person shall use any portion of any park, recreation or municipal beach site for the purpose of conducting a special event, unless a special event permit has been obtained in accordance with the City's adopted Special Event Policy, which may be amended from time to time.

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- (C) The City Manager is authorized to promulgate additional policies, rules and regulations that are consistent with and that further the provisions set forth within this Section in accordance with Florida Statutes, Special Act or Resolution of the City Commission that pertain to the conduct and operation of a special event.

(Code 1980, § 17-25; Ord. No. 27-13, § 2, passed 11/5/13; Ord. No. 28-16, § 1, passed 9/20/16)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.33. PLAYING BALL; USING GYMNASTIC EQUIPMENT.

- (A) No person or group of persons shall engage in ball playing of any kind except in areas provided therefor.
- (B) No person shall use or bring upon the beach for use any platform, trapeze bars or similar articles for gymnastic exhibition or use.

(Code 1980, §§ 17-28, 17-29)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.34. SURFING, SCUBA DIVING AND JET SKIS.

- (A) No parasailing or kiteboarding/kitesurfing shall be permitted within three hundred (300) feet of any municipal beach site within the limits of the City. No surfing, windsurfing or kite-flying shall be permitted except in areas designated by the City Manager. It shall be the duty of the chief lifeguard to see that proper markers are maintained to indicate the location of any area to be designated. No person shall use any object at any time on the beach or in the Atlantic Ocean in a manner that constitutes a hazard to any other person.
1. An exception to the prohibitions in Section (A) is a life-or-death emergency which may require a kiteboarder/kitesurfer to traverse on or within three hundred (300) feet of any municipal beach site.
- (B) Scuba diving and jet skis are prohibited from all areas of the municipal beach.

(Code 1980, § 17-30; Ord. No. 41-85, passed 5/14/85; Ord. No. 39-03, § 3, passed 10/7/03)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.35. STORING BOATS.

- (A) For the purpose of this Section, "municipal beach" shall mean the same area designated in Section 101.15.
- (B) It shall be unlawful for any person to store, leave or park any boat on the municipal beach except in accordance with the regulations set forth in this Section.
- (C) Nonmotorized boats not exceeding twenty (20) feet in length may be stored on the municipal beach provided that:
1. The owner of the boat has obtained a boat storage permit from the City.
2. The boat is stored only in the area of the municipal beach designated for boat storage.
- (D) The area of the municipal beach in which boat storage under this Section will be permitted is as follows: Bounded on the north by the north right-of-way line of Beach Drive designated by the Florida Department of Transportation as SLD MP 10.358; on the south by a line parallel to the north right-of-way line a distance of five hundred (500) feet at right angles south; on the west by the western edge of the sand portion of the municipal beach; and on the east by a line running north and south at right angles to the north right-of-way

line of Beach Drive that is ten (10) feet west of the average mean high tide line. This area shall be indicated on the municipal beach by appropriate signs to be erected by the City administration.

- (E) The owner of a boat who desires to store it in the area designated above shall make application to the City for a boat storage permit on or after the second week in September. Such permits shall be effective from October 1 of the current year to September 30 of the next year. The permits shall be issued upon receipt of the application. Applications may be picked up from the Parks and Recreation Department at any time during the year for any remaining permits that have not been issued. Applications shall be in a form to be prescribed by the City containing as a minimum the name and address of the boat owner, together with any identifying registration numbers of the boat issued by other governmental agencies, and the type or model of boat for which application is being made. The maximum number of boat storage permits which may be outstanding at any time shall be determined by the City Manager but shall not exceed the number permitted under the regulations, permission or permit of the department of natural resources.
- (F) The permit fee to be submitted with the application shall be two hundred fifty dollars (\$250.00), plus applicable taxes.
- (G) Each boat storage permit shall be issued to be effective for a period that coincides with the City's fiscal year. All permits shall expire annually at the end of the City's fiscal year regardless of the date of issuance.
- (H) The City shall affix a notice to any boat on the municipal beach without the proper permit. The notice shall advise the owner that in the event a current boat storage permit is not obtained and the boat remains on the municipal beach after October of the current year, the boat owner will be subject to a fine of ten dollars (\$10.00) per day for each day the boat remains on the municipal beach. If the boat remains on the municipal beach for ten (10) days in violation of this provision, it shall be subject to impoundment by the City and in addition to paying the ten dollar (\$10.00) per day fine (which shall also be applicable during the period of impoundment), the boat owner as a condition precedent to obtaining the return of his boat shall be responsible for all expenses of the City in impounding it and all storage costs thereof.

(Code 1980, § 17-31; Ord. No. 33-79, passed 5/29/79; Am. Ord. No. 51-79, passed 8/13/79; Am. Ord. No. 120-85, passed 11/12/85; Am. Ord. No. 94-87, passed 11/10/87; Am. Ord. No. 148-88, passed 11/22/88; Am. Ord. No. 60-89, passed 9/26/89; Am. Ord. No. 14-95, passed 3/21/95; Ord. No. 28-10, § 1, passed 9/7/10)

Cross reference(s)—Penalty, § 101.99.

Sec. 101.36. ADDITIONAL RULES APPLYING TO PARKS, RECREATIONAL FACILITIES AND THE MUNICIPAL BEACH.

- (A) *Purpose.* Citizens should be afforded a safe, clean environment in which recreational opportunities can be maximized. Due to the wide variety of patron needs and use of City property, it is necessary to establish the following rules and regulations. These rules are in addition to rules that are contained in other sections of the Code of Ordinances or otherwise posted in particular parks, recreational facilities or municipal beaches.
- (B) *Hours of Operation.*
 - 1. Parks and recreational facilities will be open as posted on buildings or entrance areas.
 - 2. No person shall remain in any park or facility after the park or facility is closed, except in an area specifically designated by the City as an area where persons may remain after the park or facility is closed to the public. All persons shall comply with City Code of Ordinances Section 101.23 prohibiting criminal trespass.
 - 3. Any section or part of any park or facility may be declared closed to the public at any time or limited to certain users or times as public interest demands or safety and security indicates. In addition, all or part of park and recreational facilities may be closed to the general public during the use of the park

and recreational facilities for after-school programs, day camps, early release days, summer camps and the like, when the closure and the parameters and time of closure is posted at the park or recreational facility.

(C) *Park Property.*

1. *Buildings and Other Property.* All park property, facilities and equipment shall be used for the purpose for which it was designed. No person shall deface or disturb any building or disturb any landscaping in violation of Section 101.16 of the Code of Ordinances.
2. *Social Services.* Parks shall be used for recreation and relaxation, 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 in order to meet their physical needs; except when provided by employees of the City pursuant to authorization by the City.
3. No commercial enterprises, sale or rentals of goods or services shall be permitted in violation of Section 101.25 of the Code of Ordinances.

(D) *Safety Hazards.*

1. *Permit Required.* Use of any equipment which does or may pose a safety hazard must receive a permit from the Parks and Recreation Department prior to such use. This permit must be displayed upon request by City personnel. This would include, but not be limited to, items such as radio controlled airplanes, boats, model rockets, carnival equipment, bounce houses and rock walls.
2. *Fireworks, Firearms, Weapons, Fires.* No person shall discharge any fireworks in any City Park unless done as part of a special event authorized by the City. 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, exposition, deflagration or detonation, including sparklers. No person shall start a fire in violation of Section 101.19 of the Code of Ordinances. No person shall violate Section 101.20 of the Code of Ordinances governing firearms, weapons and fireworks.

(E) *Nuisances at Parks, Recreational Facilities and Municipal Beach Sites.*

1. *Pets.* No person shall bring into, permit, have, or keep in any park, recreational facility, municipal beach east of the dune line or City facility any dog, cat, pet of any kind or other animal unless the park is specifically dedicated for that purpose by the City except that Guide Dogs used by people with seeing, hearing or other physical disabilities shall be permitted. No person shall hunt or molest wildlife in violation of Section 101.18 of the Code of Ordinances. No person shall violate Section 101.27 of the Code of Ordinances pertaining to animal regulations.
2. *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, park facility or municipal beaches. No person shall deposit any litter, trash, waste or any other matter prohibited by Section 101.17 or Section 101.31 of the Code of Ordinances.
3. *Soliciting and Vending.* No person shall expose or offer for sale any article or thing nor shall he 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 any park. Exception is made to regularly licensed concessionaires acting by and under the authority of the City of Delray Beach. Any publicity, posted signs or announcement placed in or on park property must have the prior approval of the Parks and Recreation Department. No person shall conduct commercial enterprises or sell or rent goods or devices in violation of Section 101.25 of the Code of Ordinances.

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4. *Interference with Authorized Activities.* No person or group shall interfere with any recreational activities or event authorized by the City's Parks and Recreation Department.
 5. *Sound Equipment.* A permit is required to bring into any park, beach, or recreational facility any public address system or amplified music system, except for small devices for personal use such as radios, I-pods, or the like. No person or group shall play or operate any sound amplification device including radios, television sets, phonographs, tape decks, public address systems, amplified musical instruments or any other loud noise generating device which annoys or disturbs other persons in any park or recreation facility or which violates Section 101.22(E) or Chapter 99 of the Code of Ordinances.
 6. *Sleeping.* Sleeping in a horizontal position is specifically prohibited in the following: building, pavilion, rest room, trash receptacle, bench, picnic table, as well as recreational activity areas (such as athletic courts and fields, and playgrounds), pedestrian or vehicular traffic ways (such as roads, sidewalks, bike paths, and jogging paths), and landscaped areas (such as flower gardens, hedges, and planters). No person shall camp in a manner in violation of Section 101.21 of the Code of Ordinances.
 7. *Intoxicants.* Consumption, possession or sale of alcoholic beverages is prohibited within City parks, Recreational Facilities or Municipal Beach except during and within the specified area of a Special Event authorized by the City or premises licensed for sale and consumption of alcoholic beverages.
 8. *Disorderly Intoxication.* No person shall be intoxicated in a City park, recreational facility or upon a City beach and endanger the safety of another person or property, and no person shall be intoxicated or drink any alcoholic beverage in a City park, recreational facility or municipal beach.
 9. *Personal Property.* Personal property shall not be stored in any park or recreational facility except in a facility or area specifically designated by the City for such storage. No person shall violate Section 101.33 of the Code of Ordinances pertaining to bringing onto the beach gym equipment or playing ball in unauthorized areas.
 10. *Disorderly Conduct.* No person shall violate the provisions of sections 132.01, 132.02, or 101.22 of the Code of Ordinances which prohibits various types of disorderly conduct.

(F) *Vehicles and Traffic.*

1. *Existing Laws.* All state vehicle and traffic control laws and regulations shall be complied with in City parks and recreation facilities. In addition no person shall violate Section 101.24 setting forth specific traffic regulations regulating various forms of transportation.
2. *Parking.* All motor vehicles shall be parked only in established and indicated parking areas or in such other areas and at such times as the Parks and Recreation Department officials may designate. Parking on the roadways and driveways, unless it is a designated parking space, is prohibited. No person shall park or station any vehicle in any zone designated and marked "No Parking" or otherwise marked for restricted use except briefly for emergency purposes.
3. *Directions of Traffic.* No person shall fail to comply with any order, signal or direction given or posed by any police officer or park ranger for the direction of traffic.
4. *Bicycles.* All bicyclists shall comply with state and municipal laws and regulations pertaining to bicycles.
5. *Unauthorized Vehicles.* Mini bikes, go-carts and other nonlicensed motorized or electric vehicles are prohibited in parks, recreational facilities and the municipal beach. No person shall violate Section 101.24 which prohibits various types of vehicles including, but not limited to, certain water craft as well as certain craft that is airborne or Section 101.34 which sets forth certain prohibition on parasailing, kite boarding/kite surfing, scuba diving and the use of jet skis.
6. *Vehicle Maintenance.* Motor vehicle maintenance is prohibited in parks, recreational facilities and public beach, except repairs or maintenance of an emergency nature.

(G) *Picnicking.*

1. *Picnic Tables.* Use of picnic tables for other than picnic purposes is prohibited. Proper use of tables for picnicking is on a first-come, first-served basis. Holding tables for patrons who have not arrived is prohibited, unless there is provision for certain tables to be reserved in advance by the Parks and Recreation Department.
2. *Pavilions.* Pavilions are available for exclusive use by permit only. Individuals and groups using pavilions shall comply with written pavilion regulations.
3. *Fires.*
 - (1) *Ground Fires*—Ground fires are prohibited in all park areas.
 - (2) *Personal Grills*—The use of personal grills in park areas is subject to prior approval of park officials.
 - (3) *Safety*—Visitors are responsible for insuring that their fire is properly monitored and extinguished at the end of their outing.
 - (4) *Property [Proper] Use of City Grills*—Grills provided by the Parks and Recreation Department are designed for use with charcoal only. The use of wood or other flammable materials in grills is prohibited.
 - (5) *[Additional Prohibitions on Fires]*—No person shall violate Section 101.19 of the Code of Ordinances which contains additional prohibitions on fires.

(H) *Smoking.* Smoking at the municipal beach is prohibited, except in designated posted smoking areas. Smoking is defined to include the carrying of a lighted pipe or lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar or cigarette of any kind.

(I) *Additional Operating Procedures; Posted Rules; General Laws.*

- (1) *Federal, State, County and Municipal Laws.* All federal, state, county and municipal laws are hereby adopted and are to be enforced within all City of Delray Beach parks and recreational facilities.
- (2) *Compliance with Additional Posted Rules.* Specific facilities which require additional operational procedures for orderly use shall be posted with rules in a conspicuous place. Patrons utilizing all facilities shall comply with posted regulations.
- (3) *[Additional Prohibitions.]* No person shall violate the prohibitions contained in Sections 101.35 regarding the storage of boats, Section 101.28, "Obedience to Lifeguards", Section 101.29, "Undressing on Beach; Indecent Apparel", or Section 101.30 regarding "nude swimming".

(J) *Permits.*

- (1) *[Reservations.]* Reservation of any parks and recreation facility or area for exclusive use requires written approval of the Parks and Recreation Department in the form of a permit.
- (2) *[Permits.]* Permits shall be obtained as required by the Code of Ordinances.
- (3) *Regulation Exceptions.* All government activities carried out in the ordinary course of park, recreational facility and beach operations shall be exempt from the provisions of the Parks and Recreation Department Rules and Regulations Permit Requirements. Acts or conduct prohibited by the rules shall be permitted when approved by the Director of Parks and Recreation and occurring in conjunction with City-sponsored, cosponsored, or City-approved special events, including but not limited to: Promenade, plant shows and home shows.

(K) *Enforcement.*

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- (1) *Hindering Enforcement.* No person shall impersonate in any way a park official nor hinder park officials or personnel or those designated by the City to enforce the Code of Ordinances in the performance of their lawful duties.
 - (2) *Trespass.* In addition to any other penalty allowed by law or ordinance, any person or group found in violation of the above rules and regulations shall be ordered to leave all City of Delray Beach parks and recreation facilities for a minimum twenty-four-hour period. Any person who fails to leave all facilities, parks or beach at the time requested may be arrested and prosecuted for trespassing or prosecuted under other existing ordinances.
 - (3) *[Habitual Violators.]* Any person determined by the Parks or Site Supervisor to be a habitual violator of the Parks and Recreation Rules and Regulations may be ordered to remain out of City parks, recreational facilities or municipal beach for a period of time not to exceed six (6) months. Habitual violator, for purposes of these rules and regulations, shall be defined as any person that has been ordered by Parks and Recreation officials, Code Enforcement Officers and those designated by the City to enforce its Code of Ordinances or Police Officers to leave a City park, recreational facilities or municipal beach three (3) times within any twelve-month period.
- (K) *Penalty.* In addition to any other penalty permitted by law or specifically enumerated by this section, the General Penalty and enforcement means as provided in Section 10.99 shall apply. Section 37.45 of the Code of Ordinances sets forth additional civil penalties that may be imposed upon issuance of a civil citation.

(Ord. No. 66-06, § 3, passed 12/5/06)

Sec. 101.37. SHARK FISHING.

- (A) No shark fishing shall be allowed within three hundred (300) feet north and south of the municipal beach and within three hundred (300) feet north and south of Atlantic Dunes;
- (B) No baiting or chumming shall be allowed on or within three hundred (300) feet north and south of the municipal beach and within three hundred (300) feet north and south of Atlantic Dunes. Baiting or chumming is defined as using cut up or ground up bait to put an attracting scent line on or below the surface of the water, or to visually attract other fish; this shall not prohibit someone from using a piece of cut bait on an individual line that is used for general fishing;
- (C) The use of shark lures and rigs shall be strictly prohibited within three hundred (300) feet north and south of the municipal beach and within three hundred (300) feet north and south of Atlantic Dunes; and
- (D) All accidental shark catches must be cut loose.
- (E) All shark carcasses and pieces shall be removed from the beach within the City limits.

(Ord. No. 37-09, § 1, passed 7/21/09; Ord. No. 14-14, § 1, passed 6/3/14)

Secs. 101.38—101.44. RESERVED.