

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA AMENDING THE CLEWISTON CODE OF ORDINANCES, CHAPTER 62, STREETS, SIDEWALKS, AND CERTAIN PUBLIC PLACES, CREATING ARTICLE IV, PUBLIC PARKS; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; CONFLICT; SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Clewiston, Florida, finds that it is necessary for the proper administration of the City to provide regulations outlining the use of city-owned and operated public parks.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CLEWISTON, FLORIDA, AS FOLLOWS:

SECTION 1. The Clewiston Code of Ordinances, Chapter 62, Article IV. – Public Parks is hereby created to read as follows:

ARTICLE IV. – PUBLIC PARKS

Sec. 62-99. – Hours and Use.

- (1) City of Clewiston Parks shall be open for public use each day from sunrise to sunset and shall otherwise be closed for public use. These hours shall not apply to official activities conducted by the City or granted via special event application when such approval specifically authorizes longer hours.
- (2) It shall be unlawful for any person to willfully enter or remain within any City Park during the hours these parks are closed for public use. Remaining in City Parks during closed hours shall constitute trespass. No person shall remain upon park property after a lawful command to leave by any law enforcement officer, regardless of whether the park is open or not.

Sec. 62-100. – Prohibited Activities

Except for activities of a governmental agency within the scope of its authority, or unless specifically permitted to do so by a permit, the following activities within City parks shall be unlawful:

- (a) Sleeping at any time during the hours from sunset to sunrise the following day.
- (b) To lie or otherwise be or remain in any bushes, shrubs, or other foliage.
- (c) Constructing any structures.
- (d) Cooking foodstuffs except where such activities are permitted by the City.
- (e) Starting or stoking fires.
- (f) Discharging or depositing any waste or rubbish except in bathroom and waste receptacles facilities provided by the City.
- (g) Digging or otherwise disturbing the natural ground surface, damaging, or removing plants, trees, shrubs, or any other part of park grounds.
- (h) Erecting or affixing signs to any park structures except those posted by the City or as directed by the City Manager or designee.
- (i) Killing, injuring, harming, capturing, chasing, poisoning, or removing any wildlife.
- (j) Writing upon, drawing, or otherwise defacing, damaging, removing, or destroying any park facilities or park grounds.
- (k) Operating or parking of any motor vehicle, except in designated parking areas.

Sec. 62-101. – Camping Prohibited

Camping on park property is prohibited. For the purposes of this section, the term "camping" means the use of camping facilities (such as tents, RV campers or other temporary shelters), the use of non-City designated cooking facilities (such as fires or portable stoves), or the use of cots, beds or hammocks.

Sec. 63-102. – Trespass Warnings; Enforcement

- (1) Any law enforcement officer, authorized to enforce the laws of the state within the city limits of Clewiston, may enforce the provisions of sections 62-99 to 63-102. Violations of Article IV shall be punished in accordance with section 1-15 and Chapter 62 Article V of this code.

Secs. 62-103-62-110. – Reserved.

SECTION 2. Codification. The provisions of this Ordinance shall become and be made part of the Code of Laws and Ordinances of the City of Clewiston.

SECTION 3. Severability. If any phrase, sentence or portion of this Ordinance is, for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and individual provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 4. Repeal of Laws in Conflict. All ordinances of the City of Clewiston, Florida, which are in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. Effective Date. This Ordinance shall take effect immediately upon its passage and consistent with all requirements of general law.

PASSED on first reading by the City Commission on January 22, 2024.

PASSED AND ADOPTED on second and final reading by the City Commission on February 19, 2024.

ATTEST:

CITY OF CLEWISTON, FLORIDA



Mary K. Combass, City Clerk



James Pittman, Mayor

(MUNICIPAL SEAL)

**APPROVED AS TO FORM
AND LEGAL SUFFICIENCY**

By: 

Dylan J. Brandenburg, City Attorney