ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 13 OF THE CODE OF LAWS OF LEON COUNTY, REGARDING PARKS AND RECREATION; AMENDING ARTICLE II, PARK RULES; AMENDING SECTION 13-26, DEFINITIONS; CREATING SECTION 13-68, OTHER POWER-DRIVEN MOBILITY DEVICES; CREATING SECTION 13-69, PARK REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 13-26 of Article II of Chapter 13 of the Code of Laws of Leon County, Florida, entitled "Definitions," is hereby amended to read as follows:

Sec. 13-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Camping shall mean temporary stays for recreational purposes. Camping specifically does not include use of the facility as a primary residence or use of the facility by transients with no permanent residence.

County parks shall mean all real property owned by the county, designated on a map maintained in the office of the county engineer, regardless of the extent of development or official designation, which serves as boat landings, picnic grounds, camping areas, recreation areas, nature areas and public fishing waters, are hereby designated as county public parks.

(1) Due to the diversity of parks and available facilities at different parks, all parks shall be classified as Class I, Class II, or Class III. The criteria for the different classifications are as follows:

a. *Class I*: Those county parks which are not specifically designated as Class II or Class III parks. These parks will normally have a boat launching area but will not necessarily have any auxiliary facilities.

b. *Class II*: Those parks which are developed to the point of having restrooms, potable water, picnic shelters, boat launching areas, and/or campsites but that do not normally offer organized and supervised recreation programs.

c. *Class III*: Those parks and recreation areas that are considered full service facilities. Facilities would normally include, but not be limited to, softball and baseball fields, picnic areas and shelters, nature trails, restrooms and potable water. This type of park would offer many varied types of organized and supervised recreation programs in addition to passive recreation activities. Park personnel would normally be available on-site during all hours of operation.

(2) A complete classification of parks shall be as specified and amended, from time to time, by resolution of the Board of County Commissioners.

Other power-driven mobility device shall mean any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion. The term other power-driven mobility device shall not include a wheelchair as defined in this section.

Park personnel shall mean all persons assigned to perform official duties within parks.

Park roads shall mean all surface areas, either paved or unpaved, designated for vehicular traffic. All other trafficways are classified as park trails or paths.

Park trails or paths shall mean a way or route designated for pedestrian use.

Parking areas shall mean any designated part of any park or road or area contiguous thereto set apart for the standing or stationing of any vehicle.

Parks and grounds supervisor shall mean the person in charge of any park area and its activities and to whom all subordinate park personnel of that park are responsible.

Public nuisance shall mean any conduct which tends to annoy the community or injure the health of the citizens in general, or to corrupt the public morals; any unlawful obstruction of the public in the free use of public property; or any behavior which unreasonably interferes with the health, safety, peace, comfort or convenience of another person.

Vehicle shall mean any motorized wheeled conveyance~~, (except a baby carriage or invalid wheelchair)~~ for the transportation of persons or materials. The term vehicle shall not include a baby carriage, wheelchair, or other power-driven mobility devices as defined in this section.

Wheelchair shall mean a manually-operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor locomotion, or of both indoor and outdoor locomotion.

Section 2. Section 13-68 of Article II of Chapter 13 of the Code of Laws of Leon County, Florida, entitled "Other power-driven mobility devices," is hereby created to read as follows:

Sec. 13-68. Other power-driven mobility devices.

Other power-driven mobility devices may be used by individuals with mobility disabilities in county park facilities, limited to designated park trails and paths, provided, however, that the other power-driven mobility device is operated in accordance with legitimate safety requirements as determined by the County.

Section 3. Section 13-69 of Article II of Chapter 13 of the Code of Laws of Leon County, Florida, entitled "Park rules and regulations," is hereby created to read as follows:

Sec. 13-69. Park regulations.

The County Administrator or his or her designee shall promulgate regulations to implement the provisions of this Chapter. Any necessary safety regulations imposed by the County shall be based on actual risks, and not on speculation, stereotypes, or generalizations about persons with disabilities.

Section 4. **Conflicts.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2030 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive Plan.

Section 5. **Severability.** If any provisions or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

Section 6. **Effective date.** This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this _____ day of _____, 2011.

LEON COUNTY, FLORIDA

By:_____
John Dailey, Chairman
Board of County Commissioners

ATTESTED BY:
BOB INZER, CLERK OF THE COURT

By:_____
CLERK

APPROVED AS TO FORM:
COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

By:_____
HERBERT W.A. THIELE
COUNTY ATTORNEY