

ORDINANCE NO.: 2835-11

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, RELATING TO ANIMAL CONTROL AND PENALTIES FOR VIOLATION OF CERTAIN ANIMAL CONTROL REGULATIONS OF THE CITY OF WINTER PARK; AMENDING SECTIONS 18-14 AND 18-45 TO AUTHORIZE THE CITY COMMISSION TO IMPOSE A FEE FOR ENTRY INTO THE DOG PARK AT FLEET PEEPLES PARK, AND PROVIDING THAT A VIOLATION OF THE REQUIREMENT THAT A FEE BE PAID FOR ENTRY INTO THE DOG PARK UNDER SPECIFIED CONDITIONS IS A CLASS 1 VIOLATION; AMENDING CHAPTER 18, ARTICLE I, SECTION 18-14 AND CHAPTER 18, ARTICLE II, SECTION 18-45 OF THE CODE OF ORDINANCES TO PROVIDE FOR A CIVIL PENALTY FOR A VIOLATION OF SECTIONS 18-14 AND 18-45 OF THE CODE OF ORDINANCES; AMENDING CHAPTER 1, ARTICLE II, SECTION 1-24 TO ADD THAT VIOLATIONS OF SECTIONS 18-14 AND 18-45 ARE CLASS 1 VIOLATIONS; REPEALING THE ENTRY FEE FOR FLEET PEEPLES PARK CURRENTLY SET OUT IN SECTION 98-142 OF THE CODE OF ORDINANCES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, Sections 18-14 and 18-45 of the Code of Ordinances provide for animal control and certain prohibitions and restrictions relating specifically to dogs and cats, as more specifically set forth in said Sections of the Municipal Code; and

WHEREAS, after deliberation and consideration, the City Commission finds that it is in the best interest of the public health, safety and welfare of the citizens of Winter Park to provide for a civil penalty for a violation of Sections 18-14 and 18-45 of the Code of Ordinances;

WHEREAS, Chapter 162 and Section 166.0415, of the Florida Statutes, grant the express authority to provide for the enforcement of violations of municipal ordinances, and in Chapter 1 of Winter Park's Code of Ordinances there are provisions setting out the procedures for enforcement of violations of the Municipal Code;

WHEREAS, after deliberation and consideration, the City Commission has determined that it is in the best interest of the citizens of Winter Park to repeal the motor vehicle access charge for entry into Fleet Peoples Park; and

WHEREAS, after deliberation and consideration, the City Commission has determined that it should authorize by action of the City Commission the imposition of a fee for a permit by which persons in the custody and control of one or more dogs may gain entry into the dog park at Fleet Peoples Park, and to provide that the entry of dogs into the Park without the required permit shall be a Class 1 violation of the Municipal Code of Ordinances.

NOW, THEREFORE, be it enacted by the City Commission of the City of Winter Park, Florida as follows:

Section 1. Recitals. The foregoing recitals are hereby adopted and confirmed.

Section 2. Amendments to Sections 18-14 and 18-45 to Provide An Entry Fee to the Dog Park At Fleet Peeples Park. Sections 18-14 and 18-45 of the Winter Park Municipal Code of Ordinances are amended by adding subsections 18-14 (f) and 18-45 (d) to provide as follows:

The Winter Park City Commission is hereby authorized to adopt in the Fee Schedule authorized pursuant to Section 2-198, a fee for entrance into the dog park at Fleet Peeples Park, which entrance fee will provide for a permit for one or more dogs in the possession, custody or control of the permit holder.

Any person in possession, or with custody or control of a dog or dogs at the dog park at the Fleet Peeples Park, who does not have the required permit, shall be guilty of a municipal Class 1 violation, as provided for in Section 1-23, and subject to the procedures and remedies stated in Chapter 1 of the Winter Park Code of Ordinances.

Section 3. Amendment to Sections 18-14 and 18-45 to Provide That A Violation of These Sections Is A Class 1 Code Violation. Sections 18-14 and 18-45 of the Municipal Code of Ordinances for the City of Winter Park are amended by adding subsections 18-14(g) and 18-45 (e) to provide as follows:

A violation of this Section shall be a Class 1 violation, in accordance with the provisions of Section 1-23 of the Winter Park Code of Ordinances, and the procedures for appeal, imposition of fines, collection and enforcement shall be in accordance with the provisions of Chapter 1 of the Municipal Code. Repeat violations of this Section shall continue to be a Class 1 violation in accordance with the provisions of Section 1-23 of the Winter Park Code of Ordinances, notwithstanding any other provision in the Code that would otherwise provide for enhanced penalties for repeat violations.

Section 4. Amendment to Section 1-24 Relating to Sections 18-14 and 18-45. Section 1-24 of the Municipal Code of Ordinances for the City of Winter Park shall be amended by adding violations of sections 18-14 and 18-45 as Class 1 violations.

Section 5. Repeal of Code Section 98-142. Chapter 98, Article IV, Section 98-142, of Winter Park's Municipal Code, which provided for payment of an entrance fee for all vehicles entering Fleet Peeples Park, is hereby repealed.

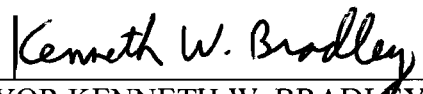
Section 6. Repeal of prior inconsistent ordinances and resolutions. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Severability. If any section, subsection, sentence, clause, phrase, word or provision 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 independent provision, and such holding shall not affect the validity of the remaining portion hereof or hereto.

Section 8. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the sections of this Ordinance may be renumbered or relettered to accomplish such intention and to correct scribes' errors; that the word "ordinance" may be changed to "section", "article", or other appropriate word.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its final passage and adoption by the City Commission of the City of Winter Park, Florida.

Passed and adopted this 24th day of January, 2011, by the City Commission of the City of Winter Park, Florida.



MAYOR KENNETH W. BRADLEY

ATTEST:


CYNTHIA BONHAM, CITY CLERK