

ORDINANCE NO. 2838-11

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REPEALING THE RECITALS AND SECTIONS OF ORDINANCE NO. 2835-11 THAT RELATE TO THE IMPOSITION OF A FEE FOR ENTRANCE INTO THE DOG PARK AT FLEET PEEPLES PARK AND FOR THE ENFORCEMENT OF SUCH FEE, PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park, Florida, adopted Ordinance No. 2835-11 on January 24, 2011; and

WHEREAS, certain portions of the Ordinance, including recitals in the Ordinance, relate to the imposition of a fee for entry into the Dog Park at Fleet Peeples Park and for enforcement of the permit and fee requirement; and

WHEREAS, the City is granted the authority under its Municipal Charter and Section 2(b), Article VIII of the State Constitution, to exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, the City has the authority to repeal such ordinances or provisions thereof when the City Commission determines that it is in the best interest of the citizens of Winter Park to enact such a repeal; and

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 portions of Ordinance No. 2835-11, including the recitals thereof, which are related to the imposition of a fee for entry into the Dog Park at Fleet Peeples Park and the enforcement of such fee.

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

Section 1. Recitals. The recitals set forth above are hereby adopted and incorporated herein by reference.

Section 2. Repeal of Ordinance No. 2835-11 As It Relates To the Enforcement Of A Fee For Entry Into the Dog Park.

- a. The recitals to Ordinance No. 2835-11 are repealed with the exception of the fourth recital which found that the Commission has determined it is in the best interest of Winter Park and its citizens to repeal the motor vehicle access charge for entry into Fleet Peeples Park.
- b. Section 1 of Ordinance No. 2835-11 is repealed with the exception that the fourth recital finding that it is in the best interest of the citizens of

- Winter Park to repeal the motor vehicle access charge for entry into Fleet Peeples Park shall remain and shall not be repealed.
- c. Sections 2, 3, and 4 of Ordinance No. 2835-11 are hereby repealed, are null and void and of no effect. As a result of this repeal, retroactive to the effective date of Ordinance No. 2835-11, there shall be no fee for entry into the Dog Park, and any such fees that can be proved to have been previously paid shall be refundable to the person who can establish that he or she paid such fee.
 - d. Sections 5, 6, 7, 8, and 9 of Ordinance No. 2835-11 are not repealed and shall continue in force as related only to the repeal of the motor vehicle entry fee.
 - e. Those portions of Ordinance No. 2835-11 concerning the repeal of Section 98-142, which provided for payment of an entrance fee for all vehicles entering Fleet Peeples Park are not repealed. The provisions of Ordinance No. 2835-11 shall remain in full force and effect with respect to the repeal of the entrance fee for vehicles entering Fleet Peeples Park, but in all other respects, Ordinance No. 2835-11 is repealed.

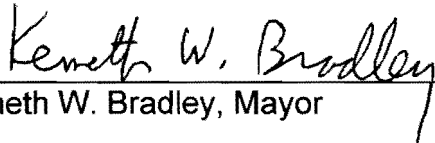
Section 3. Repeal Of Prior Inconsistent Ordinances and Resolutions. All prior inconsistent ordinances and resolutions adopted by the City Commission, or parts of prior ordinances and resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 4. 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, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5. 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. Moreover, it is hereby ordained that any codification in the Municipal Code of Ordinances relating to the entry fee into the Dog Park at Fleet Peeples Park shall be removed from the Municipal Code of Ordinances and stricken as a matter of amendment thereto. Without limitation, Sections 18-14 and 18-45 of the Code of Ordinances shall not refer to or include any provision relating to an entry fee into the Dog Park at Fleet Peeples Park nor shall these sections provide for the enforcement in any respect of an entrance fee into the Dog Park. And, Sections 1-23 and 1-24 of the Municipal Code shall not refer to or schedule any violation with respect to failure to have a permit or pay an entry fee for entry into the Dog Park at Fleet Peeples Park.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED by the City Commission of the City of Winter Park, Florida, in a regular meeting held on the 11th day of April, 2011.



Kenneth W. Bradley, Mayor

Attest: 

Cynthia S. Bonham, City Clerk