

**ORDINANCE NO. 446**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING CHAPTER 10.5 LEISURE SERVICES, ARTICLE II USE RESTRICTIONS, SECTION 10.5-19 RULES AND REGULATIONS OF THE CODE OF ORDINANCES OF THE CITY OF ORANGE CITY, BY REVISING SUB-SECTIONS (1), AND (11), AND ADDING SUB-SECTIONS (19), AND (20); CONTAINING A REPEALER PROVISION, A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the City Council of Orange City have determined that it is necessary to revise the Leisure Services, Chapter 10.5 of the City Code of Ordinances, and

**WHEREAS**, the Leisure Services Chapter 10.5 was previously revised September 10, 2002, and

**WHEREAS**, the City Staff recommends two revisions and two additions to Chapter 10.5, Section 10.5-19 Rules and Regulations of the City Code of Ordinances.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:**

**SECTION 1.** That Chapter 10.5, Leisure Services, of the Code of Ordinances of the City of Orange City, Article II Use Restrictions, Section 10.5-19 Rules and Regulations, Sub-sections (1), and (11) be amended as follows:

It shall be unlawful for any person in the city parks to:

(1) Bring alcoholic beverages into, or be under the influence of an alcoholic beverage, while in the public park or recreation facility unless a permit is issued by the city for a particular event occurring in a public park or recreation facility.

(11) Except as provided by law, bring any animals into said parks and facilities. unless the rules promulgated by the city manager with regard to the particular public park, recreation facility, or recreation activity specifically authorize such animals to be present and, in the event such rules being promulgated, a person may act in accordance with such rules.

**SECTION 2.** That Chapter 10.5, Leisure Services, of the Code of Ordinances of the City of Orange City, Article II Use Restrictions, Section 10.5-19 Rules and Regulations, Sub-sections (19), and (20) be added as follows:

It shall be unlawful for any person in the city parks to:

(19) Tobacco use is unlawful at all public parks or recreation facilities unless specifically permitted by the city. The city manager may designate "tobacco permitted area" within public parks. In such designated "tobacco permitted area" the city manager shall cause signs to be erected to clearly identify "tobacco permitted area".

(20) Notwithstanding the aforementioned provisions, the presence or absence of signage shall not be a defense to the violation of any provision of this section.

**SECTION 3.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

**SECTION 4.** If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

**SECTION 5.** This Ordinance shall take effect immediately upon adoption.

**ROLL CALL VOTE AS FOLLOWS:**

First Reading, this 14<sup>th</sup> day of December, 2010.

Gary A. Blair	<u>yes</u>	Jeff Allebach	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

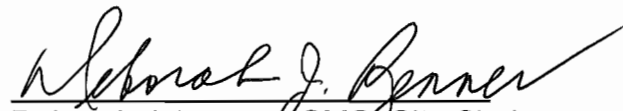
**ROLL CALL VOTE AS FOLLOWS:**

Second Reading, this 11<sup>th</sup> day of January, 2010.

Gary A. Blair	<u>absent</u>	Jeff Allebach	<u>yes</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

PASSED and ADOPTED this 11<sup>th</sup> day of January, 2010.

ATTEST:

  
Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

  
William E. Reischmann, Jr., City Attorney