

ORDINANCE NO. 2021-33

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, AMENDING THE CODE OF ORDINANCES CHAPTER 46, PARKS AND RECREATION, ARTICLE III, CONDUCT IN PARKS, SECTION 46-66, CERTAIN PARKS CLOSED TO VEHICLES DURING NIGHTTIME HOURS; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE

WHEREAS, certain parks within the City of Venice are currently closed to vehicles during the nighttime hours of 12:00 midnight to 6:00 a.m. daily; and

WHEREAS, effective October 1, Sarasota County is adjusting the nighttime closure hours for all County owned beach parks to 10:00 p.m. to 6:00 a.m. daily; and

WHEREAS, it is beneficial for the City of Venice to adjust the closure hours of City owned beach and athletics parks to be consistent with County owned beach parks; and

WHEREAS, the proposed nighttime closure hours will provide for improved enforcement ability and will be beneficial to law enforcement resources.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-66, Certain parks closed to vehicles during nighttime hours, is hereby amended to add the following:

ARTICLE III. CONDUCT IN PARKS

Sec. 46-66. Certain parks closed to vehicles during nighttime hours.

- (a) *“Vehicles” defined.* As used in this section, the term “vehicles” means any motorized device in, upon or by which any person or property may be transported or drawn, including automobiles, trucks, motorcycles, tractors, buses, motorhomes or campers.
- (b) *Designated areas; closing time.* The following are closed to vehicles between the hours of ~~12:00 midnight~~ 10:00 p.m. and 6:00 a.m. daily unless city council orders any of the facilities to be subject to a different closing time:

- (1) Brohard Park (except for those utilizing the fishing pier).
- (2) Chuck Reiter Park (except for permitted athletic league use).
- (3) Graser Park.
- (4) Hecksher Park.
- (5) Humphris Park.
- (6) Municipal Beach.
- ~~(7) Patriots Park.~~
- (7) Pinebrook Park.
- (8) Service Club Park.
- (9) Venice Wellfield (except for permitted athletic league use).

- (c) *Special driving and parking privileges.* These may be authorized by the city manager.
- (d) *Exceptions.* This section shall not apply to persons having on their person or vehicles a written permit issued by the city manager or to official governmental vehicles.
- (e) *Penalty.* Any person, except persons falling within the exception set out in subsection (d) of this section, operating a vehicle, whether the owner thereof or not, who enters any city-owned, city-operated or city-leased park, recreational area, beach or beach access named in this section with such vehicle in violation of this section shall, upon conviction, be punished as prescribed in section 1-14 of this Code.

SECTION 5. All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 6. If any part, section, subsection or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional or invalid for any reason, such part, section, subsection or other portion, or the prescribed application thereof, shall be severable and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The city council specifically declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

SECTION 7. This Ordinance shall take effect October 1, 2021.

PASSED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA THIS 24th DAY OF AUGUST 2021.

First Reading: August 24, 2021

Final Reading: September 14, 2021

Adoption: September 14, 2021

Ron Feinsod, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, Lori Stelzer, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 24th day of August 2021, a quorum being present.

WITNESS my hand and the official seal of said City this 14th day of September, 2021

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney