

ORDINANCE NO. 2019-2169

AN ORDINANCE OF THE CITY OF NEW PORT RICHEY, FLORIDA, PROVIDING FOR AMENDMENT OF SECTION 16-1 OF ARTICLE I OF CHAPTER 16 OF THE NEW PORT RICHEY CODE OF ORDINANCES, PERTAINING TO CITY PARK HOURS OF OPERATION; PROVIDING FOR EXTENSION OF THE HOURS OF OPERATION FOR SIMS PARK AND ORANGE LAKE PARK UNTIL 11:00 P.M.; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the hours of operation of public parks in the City prohibit use thereof after sunset, except during special events;

WHEREAS, Sims Park and Orange Lake Park have illuminated walkways that allow for the safe use of those parks after dark;

WHEREAS, the City Council has determined that extending the time for use of Sims Park and Orange Lake Park is in the best interest of the residents of the City; and

WHEREAS, it is declared as a matter of legislative determination and public policy that the provisions and prohibitions herein are necessary in the public interest; and it is further declared that the provisions and prohibitions herein are in pursuance of and for the purpose of securing and promoting the public health, safety, welfare and quality of life in the City in accordance with the City's police powers.

NOW, THEREFORE, THE CITY OF NEW PORT RICHEY, FLORIDA HEREBY ORDAINS:

Section 1. Chapter 16, Article I, Section 16-1 of the Code of Ordinances, pertaining to closing times for City parks, is hereby amended as follows (strikeout text is deleted and underlined text is added):

Sec. 16-1. - Closing times for city parks.

- (a) All City parks not otherwise specifically provided for in this section shall remain closed to the public between sunset ~~sundown~~ and sunrise of the following day.
- (b) Sims Park and Orange Lake Park shall remain closed to the public between 11:00 p.m. and sunrise of the following day.
- (c) Upon the issuance of a special event permit, or upon a written application for other good cause, the city manager/~~parks and recreation director~~ may, ~~upon good cause~~, issue a permit to an individual or organization, permitting the use of city parks on special

occasions or for special events without regard to time limitations contained in subsection (a) or (b) of this section, in accordance with said permit.

(d) Violation of this section is subject to punishment as provided in section 1-14.

~~(e) If any section, subsection, sentence, clause or phrase of this section or the particular application thereof, shall be held invalid by any court, administrative agency, or body without appropriate jurisdiction, the remaining sections, subsection, sentences, clauses, or phrases and their application shall not be affected thereby.~~

Section 2. Conflict with Other Ordinances and Codes. All ordinances or parts of ordinances of the City of New Port Richey, Florida, in conflict with the provisions of this ordinance, are hereby repealed to the extent of such conflict.

Section 3. Severability. If any provision 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 4. Effective Date. This ordinance shall take effect immediately upon its adoption as provided by law.

The foregoing Ordinance was duly read and approved on first reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 20th day of August, 2019, and read and adopted on second reading at a duly convened meeting of the City Council of the City of New Port Richey, Florida this 17th day of September, 2019.

ATTEST:

By: _____
Judy Meyers, CMC, City Clerk

By: _____
Robert Marlowe, Mayor-Council Member

(Seal)

APPROVED AS TO FORM AND LEGALITY
FOR THE SOLE USE AND RELIANCE OF THE
CITY OF NEW PORT RICHEY, FLORIDA:

Timothy P. Driscoll, City Attorney