

Chapter 17

STREETS, SIDEWALKS AND OTHER PUBLIC PLACES*

Art. I. In General, §§ 17-1—17-18

Art. II. Shrubbery at Street Intersections, §§ 17-19—17-36

Art. III. Excavations, §§ 17-37—17-51

Art. IV. Street Vacations, §§ 17-52—17-56

Art. V. City Park Rules, §§ 17-57—17-66

Art. VI. Special Events Permitting Rules §§ 17-67—17-

ARTICLE I. IN GENERAL

Sec. 17-1. SPECIFICATIONS GENERALLY

The plans and specifications for the construction, alteration or repair of all streets, alleys, sidewalks and other public ways in the City shall be as determined by the City Commission from time to time. (Code 1971, § 18-2)

Sec. 17-2. OBSTRUCTING SIDEWALKS

It shall be unlawful for any person to so obstruct the sidewalks within the City in any manner which hinders or interferes with the free use thereof. (Code 1971, § 18-1)

Sec. 17-3—17-18. RESERVED

*Cross references-Ordinances dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city saved from repeal, § 1-5(4); ordinances establishing and prescribing street grades on any street in the city saved from repeal, § 1-5(8); public consumption and possession of alcoholic beverages prohibited; buildings and building regulations, Ch. 6; mobile homes and trailers, Ch. 11; peddlers and solicitors, Ch. 14; planning, Ch. 15; police , Ch. 16; subdivision regulations, Ch. 18; traffic and motor vehicles, Ch. 20; utilities, Ch. 21.

*State law references-Supplemental and alternative method of making local municipal improvements, Florida Statutes Ch 170; municipal public works, F.S. Ch. 180.

ARTICLE II. SHRUBBERY AT STREET INTERSECTIONS

(See also Section 21.04, Archer Land Development Code)

Sec. 17-19. DEFINITIONS

For the purpose of this article, the words "restricted area" shall mean and include all of that portion of land lying within a triangular shaped area on each street corner within the city described in metes and bounds as follows:

Beginning at the precise corner of the intersection point of the right-of-way line of any public street, avenue or thoroughfare of each of the two (2) such ways forming each corner and extending twenty (20) feet along each such right-of-way from such corner, the third line being determined by the drawing of a straight line from the ends of such twenty (20) foot extensions; whether such land be privately owned or unpaved or untraveled right-of-way property. (Code 1971, § 18-16)

Sec. 17-20. MAXIMUM HEIGHT

No person shall plant, grow or maintain in any restricted area any plant, hedge, shrub, flower or other growth, except trees at a height greater than thirty (30) inches from the surface of the ground. (Code 1971, § 18-17)

Sec. 17-21. MINIMUM CLEARANCE

Any trees planted, grown and maintained in any restricted area shall not have branches or foliage extending from the trunk thereof at a height lower than eight (8) feet above the surface of the ground. (Code 1971, § 18-18)

Sec. 17-22. NOTICE TO REMOVE VIOLATIONS

It shall be the duty of the mayor to notify in writing the owner or occupant of the property adjoining any restricted area on which a violation of this article occurs to remove such hazardous condition. (Code 1971, § 18-19)

Sec. 17-23. REMOVAL OF VIOLATION BY CITY

Upon the failure of the owner or occupant of the property upon which a violation of this article occurs to remove the hazardous condition after ten (10) days notice duly given by the mayor, the city may remove such hazardous condition. (Code 1971, § 18-20)

Sec. 17-24. COLLECTION OF COSTS

If the city shall remove any violation of this article, the costs and expenses of such removal shall constitute a lien against the property from which such violation was removed. Such lien shall be collected by the county as a special assessment. (Code 1971, § 18-21)

Sec. 17-25. OWNER, OCCUPANT LIABLE

The payment of any assessment imposed under the provisions of this article shall not discharge or affect in any way any liability of the owner or occupant of property upon which a violation hereof existed incurred as a result of such violation of the provisions of this article.

(Code 1971, § 18-22)

Secs. 17-26—17-36. RESERVED

ARTICLE III. EXCAVATIONS

Sec. 17-37. PERMIT REQUIRED

A permit shall be required from the City Manager for any excavation in any portion of any street right-of-way.

Sec. 17-38. PROTECTION OF PUBLIC

It shall be the duty of any person making an excavation in the streets of the city to adequately and sufficiently protect all such excavations in the streets or alleys in the city by guardrails or other obstructions, including not less than one red light on each side of such fill during the nighttime, so as to prevent accidents and injury to persons or property. (Code 1971, § 18-35)

Sec. 17-39. LIABILITY OF EXCAVATIONS GENERALLY

Liability for paying the cost of making refills and repairing and restoring streets and alleys to their former condition shall be a joint liability upon the property owner, lessee of property, or other persons for whose benefit such work is done or attempted to be done, and the plumber, contractor, or other persons actually doing or attempting to do such work. (Code 1971, § 18-36)

Sec. 17-40. REFILL OF EXCAVATIONS

All refilling and resurfacing of excavations made in the public streets, alleys and sidewalks shall be done by the person making such excavation and the surface of the street, alley or sidewalk shall be restored to at least the same condition as it was in before such excavation. (Code 1971, § 18-34)

Sec. 17-41—17-51. RESERVED

ARTICLE IV. STREET VACATIONS

Sec. 17-52. STREET VACATIONS APPLICATION PETITION

Application to vacate a public street or right-of-way shall be presented in the form of a petition which is to be signed by all owners of land abutting the portion of the public street or right-of-way to be closed. (Ord. 153 § 1, 8-25-75)

Sec. 17-53. PRESENTMENT OF STREET VACATIONS PETITION, PUBLIC HEARING

The petition mentioned in Section 17-52 shall be presented to the City Commission and when the City Commission has determined that the petition is signed by all of the owners of land abutting the portion of the public street or right-of-way to be closed, shall cause a public hearing to be called for the purpose of discussing whether or not it is in the best interest of the City to abandon or vacate the public street or right-of-way. (Ord. 153 § 2, 8-25-75)

Sec. 17-54. NOTICE OF HEARING

A notice of the public hearing under section 17-53 shall be placed in at least one issue of a newspaper of the county, which qualifies for legal advertisement at least ten (10) days before such public hearing. The notice shall state therein the time and place of the hearing and the proposed street or portion of street or public right-of-way to be abandoned. (Ord. 153 § 3, 8-25-75)

Sec. 17-55. DETERMINATION, NONEMERGENCY ORDINANCE

Upon the City Commission's determination after the public hearing under this article that it is in the best interest of the City to abandon and vacate the public street or right-of-way proposed for abandonment or vacation then the Commission shall cause a non-emergency ordinance to be prepared for adoption by the Commission providing for the abandonment and vacation of the public street or right-of-way. (Ord. 153 § 4, 8-25-75)

Sec. 17-56. COSTS, DEPOSIT OF STREET VACATIONS

All expenses of any abandonment or vacation of the public street or right-of-way shall be paid by those proposing the vacation or abandonment prior to the final adoption of the ordinance abandoning and vacating the public street or right-of-way. One hundred dollars (\$100.00) shall be placed with the City Manager prior to the public hearing, which shall be credited against the cost of the abandonment and vacation process, which costs may include publication cost and attorneys' fees necessitated by the preparation and adoption of the ordinance and public hearing. (Ord. 153 § 5, 8-25-75)

ARTICLE V. CITY PARK RULES

Sec. 17-57. TITLE OF PARK RULES SECTION

This section shall be known as and may be cited as "Archer City Park Rules". (Ord. 4-99 § 1,7-26-99)

Sec. 17-58. DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) *Park* means a park, reservation, playground, recreation center or any other area in the city, owned or used by the city, and devoted to active or passive recreation.
- b) *Park official* means a person immediately in charge of any park area.
- c) *Recreation official* means a person immediately in charge of any recreation program or area.
- d) *Vehicle* means any wheeled conveyance, whether motor-powered, animal-drawn or self-propelled. The term shall include any trailer in tow of any size, kind or

description. Exception is made for baby carriages and vehicles in service of the city parks. (Ord. 4-99 § 2,7-26-99)

Sec. 17-59. EXEMPTION FOR CITY PERSONNEL

All city personnel shall be exempt from the provisions of this article in the performance of their duties. (Ord. 4-99 § 3,7-26-99)

Sec. 17-60. AUTHORITY TO EJECT VIOLATORS

Any Park Official, Recreational Official or any law enforcement officer of the state shall have the authority to eject from a park any person acting in violation of this section. (Ord. 4-99 § 4,7-26-99)

Sec. 17-61. OPENING AND CLOSING HOURS

Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information. Hours of opening and closing shall be determined by Resolution of the City Commission. (Ord. 4-99 § 5,7-26-99)

Sec. 17-62. CLOSING OF SPECIFIC AREAS

Any section or part of any park may be declared closed to the public by the city manager at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the city manager shall find reasonably necessary to protect grass or other planted areas or to protect park property; provided that the city manager may request the advice and recommendations of the city commission prior to closing a major section of any park or a complete park. (Ord. 4-99 § 6,7-26-99)

Sec. 17-63. PROHIBITED ACTIVITIES

It shall be unlawful for any person to do any of the following in any park or designated area within a park unless specifically permitted to do so by a permit issued by the City or special permission granted by the city commission, except for activities of a governmental agency within the scope of its governmental authority:

- a) *Entering closed or posted areas.* No person in a park shall enter an area posted as "Closed to the Public", nor shall any person use, or abet the use of, any area in violation of posted notices.
- b) *Loitering; disorderliness.* No person in a park shall protractedly lounge on the seats or benches or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.
- c) *Alcoholic beverages/ Controlled substances.* No person in a park shall possess alcoholic beverages or a controlled substance. No person shall drink alcoholic beverages at any time in a park.
- d) *Intoxication.* No person in a park shall be under the influence of alcoholic beverages or a controlled substance the extent that his faculties are impaired.
- e) *Damaging property generally.* No person in a park shall willfully mark, deface, disfigure, tamper with or displace or remove any buildings, bridges, tables, benches, fireplaces, railings, paving or paving materials, water lines or other public utilities or parts of appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.
- f) *Removing natural resources.* No person in a park shall dig or remove any soil, rocks, stones, shrubs or plants, down-timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency.

- g) *Damaging or removing trees, shrubbery or lawns.* No person in a park shall damage, cut, carve, transplant or remove any tree or plant, or injure the bark or pick the flowers or seeds of any tree or plant, nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig or walk upon or otherwise disturb grass areas or planted areas which have been posted with "No Trespassing", "Keep Off the Grass" or "Do Not Walk on the Grass" signs, or in any other way injure or impair the natural beauty or usefulness of any area.
- h) *Climbing trees; standing or sitting on monuments, railings or other fixtures.* No person in a park shall climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or upon any other property not designated or customarily used for such purposes.
- i) *Erecting structures.* No person in a park shall construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued by the city manager.
- j) *Polluting waters.* No person in a park shall throw, discharge or otherwise place or cause to be placed in the waters of any fountains, pond, lake, stream or other body of water in or adjacent to any park, or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.
- k) *Disposal of refuse and trash.* No person in a park or shall bring in or dump, deposit, or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, water, garbage or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away

from the park by the person responsible for its presence, and properly disposed of elsewhere.

- l) *Molesting or harming animals.* No person in a park shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird, or give, offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.

- m) *Firearms and other weapons; traps; shooting into park areas.* No person in a park shall use, carry or possess firearms of any description, or air rifles, spring guns, bows and arrows, slings or any other form of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.

- n) *Fireworks and explosives.*
 - 1) *Prohibited.* No person in a park shall bring or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedoes, rockets or other fireworks or explosives or inflammable material.

 - 2) *Exception.* Special permits may be issued by the city manager for fireworks displays, subject to the provision that such displays have adequate supervision and approval from the fire chief.

- o) *Camping.* No person shall be permitted to camp in a park. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person sleep in a park, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house trailer, camp trailer, camp vehicle or the like.

- p) *Horseback riding.* No person in a park shall ride a horse, except in areas specifically designated for horseback riding.
- q) *Fires.* No person in a park shall build or attempt to build a fire except in such areas and under such regulations as may be designated by the fire chief. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.
- r) *Advertising.* No person in a park shall announce, advertise or call the public attention in any way to any article or service for sale or hire. (Ord. 4-99 § 7,7-26-99)

Sec. 17-64. GENERAL PARK REQUIREMENTS

- 1) *Closing of parks.* It shall be unlawful for any person to be or remain in any park during the hours the park is closed to public use, unless such person has a permit issued by the City authorizing that person to remain in the park.
- 2) *Availability.* No person in a park shall violate the regulation that use of the facilities, follows generally the rule of "first come, first served". However, this practice shall not preclude the City from assigning or reserving these facilities for the use of particular persons or groups. Users shall comply with posted rules and regulations that pertain to each area.
- 3) *Use nonexclusive; time limit.* Except as otherwise authorized by the City, no person in a park shall use any portion of the facilities or any of the buildings or structures therein to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.
- 4) *Dogs and other domestic animals.* No person in a park shall be responsible for the entry of a dog or other domestic animal into any park areas other than those in

which such animals are permitted. Nothing in this section shall be construed as permitting the running of dogs at large. All dogs in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than five feet in length.

- 5) *Selling or vending.* No person in a park shall expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing without a city authorized permit.
- 6) *Signs.* No person in a park shall paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park except by permission of the city manager.
- 7) *Parking.* All vehicles shall be parked only in established parking areas or in such other area and at such times as the Park Official or the Recreational Official may designate. (Ord. 4-99 § 8,7-26-99)

Sec. 17-65. RECREATIONAL ACTIVITIES

- 1) *Games.* No person in a park shall take part in or abet the playing of games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football and baseball is prohibited except on fields and courts or areas provided therefor.
- 2) *Roller-skating.* Roller-skating shall be confined to those areas specifically designated for such pastime.
- 3) *Use of picnic areas.* No person in a park shall picnic in a place other than those designated for that purpose. (Ord. 4-99 § 9,7-26-99)

Sec. 17-66. ENFORCEMENT, PENALTY

The provisions of this ordinance shall be enforced by the city manager or designated representative. Anyone convicted of a violation of this ordinance shall be punished as provided in Section 1-10 of the Code of Ordinances of the City of Archer. (Ord. 4-99 § 10,7-26-99)

ARTICLE VI. SPECIAL EVENTS PERMITTING

Sec. 17-67. TITLE OF SPECIAL EVENTS PERMITTING SECTION

This section shall be known as and may be cited as “Archer Special Events Permitting Rules”. (Ord. 4-2002 § 1, 6-24-02)

Sec. 17-68 DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- 1) *Special Event* means an event, program or activity on city owned or other public or private property anywhere in the city where such event, will include off-site parking such that pedestrian traffic between the location of the off-site parking and the event can reasonably be expected to restrict or reduce vehicular traffic along thoroughfares within the city. (Ord. 4-2002 § 2, 6-24-02)

Sec. 17-69 PERMIT REQUIRED.

It shall be unlawful for persons to sponsor, conduct, manage, or direct a special event without a permit from the city manager or designee, issued pursuant to this ordinance. (Ord. 4-2002 § 3, 6-24-02)

Sec. 17-70 EXEMPTION FOR PERMIT REQUIRED.

Nothing in this ordinance shall be construed to include places of worship or other bona fide organizations in the conduct of their normally scheduled meetings. (Ord. 4-2002 § 4, 6-24-02)

Sec. 17-71 PERMIT APPLICATION.

At least thirty (30) days prior to the date for which a permit is requested, an application shall be filed with the city manager. This time limit may be shortened by the city manager or designee, based upon proof that, through no fault of the applicant, the application could not reasonably have been filed sooner and the special event for which the permit is filed cannot reasonably be delayed. The application shall include all of the following:

- 1) Name of the sponsor or charity;
- 2) Type of special event;
- 3) Date and time;
- 4) Expected number of participants;
- 5) Expected duration;
- 6) Location of special event and off-site parking;
- 7) Routes relating to the special event, including pedestrian routes between off-site parking and the special event;
- 8) Any special needs or circumstances affecting the choice of locations or routes; and
- 9) Proof of liability insurance naming the City of Archer as an additional insured. (Ord. 4-2002 § 5, 6-24-02)

Sec. 17-72 INSURANCE.

The city commission shall set the minimum required limits of liability insurance coverage for such events through resolution. (Ord. 4-2002 § 6, 6-24-02)

Sec. 17-73 GRANTING OF PERMIT.

The city manager or designee shall grant the requested permit, following investigation that the special event will not:

- 1) Unreasonably interfere with the flow of vehicular or pedestrian traffic;
- 2) Restrict access to any area, street or location within the city to emergency service personnel or equipment;
- 3) Deny access to any properties or areas of the city to either vehicular or pedestrian traffic;
- 4) Cause any danger or health hazard;
- 5) Damage any public or private property;
- 6) Create an unreasonable demand upon emergency services and equipment, so as to cause potential deficiencies in such services at any location in the city; and
- 7) Not reasonably likely to imminently cause or occasion violence, criminal activity, or civil disorder. (Ord. 4-2002 § 7, 6-24-02)

Sec. 17-74 PERMIT CONDITIONS.

In granting a permit, the city manager or designee shall specifically limit same as to date and time, location, and duration. In addition, the city manager or designee may attach conditions to the permit if such conditions are reasonably necessary. Such conditions may include, but are not limited to:

- 1) Barricading of street intersections and the provision of monitors at such barricades;
- 2) Posting of bond, cash deposit, or other security to cover any damage to public property and the cost of extraordinary cleaning or maintenance expenses. (Ord. 4-2002 § 8, 6-24-02)

Sec. 17-75 CITY SERVICES.

If any public services are reasonably necessary for the conduct of the special event the applicant shall be required to pay the appropriate agency for such services prior to the special event. (Ord. 4-2002 § 9, 6-24-02)

Sec. 17-76 REVOCATION OF PERMIT.

Once a permit has been issued it may be revoked by the city manager or designee for any violation of the terms and conditions thereof. Any permit may also be revoked by the city manager or designee, or by any law enforcement officer on the scene, at any time that the special event permitted becomes, or creates a condition, which is dangerous to the health or safety of any person. At any time that a permit is revoked during the special event for which the permit was issued, the fact of the revocation shall be announced to persons assembled for the special event. (Ord. 4-2002 § 10, 6-24-02)

Sec. 17-77 DISPERSAL OF PERSONS.

Persons assembling or congregating for the purpose of attending a special event, that has not been issued a permit or after a permit has been revoked, shall disperse after being ordered to do so. Failure to so disperse shall be a violation of this Ordinance. (Ord. 4-2002 § 11, 6-24-02)

Sec. 17-78 ENFORCEMENT, PENALTY.

The provisions of this ordinance shall be enforced by the city manager or designated representative or any law enforcement officer. Anyone convicted of a violation of this ordinance shall be punished as provided in Section 1-10 of the Code of Ordinances of the City of Archer. (Ord. 4-2002 § 12, 6-24-02)