

(c) The city shall not be responsible for errors in location of graves or lots arising from improper instruction of lot owners. Orders from funeral directors shall be construed as orders from owners.

(d) No person shall be buried in any lot in which such person did not have a legal interest, except by written consent of all parties having a legal interest in such lot, as well as the city.

(e) Any and all transfers of interment rights are subject to all regulations of the cemetery in full force and effect or which may be enacted.

(f) Before transfer of interment rights, the original owner must reconvey such interment rights to the city. The city shall then issue a warranty of conveyance to the new owner. The same rules shall apply in all cases of assignment of purchase contract for interment rights. This information shall then be duly recorded in a permanent cemetery file.

(g) The city may exchange interment rights when desired by owners, but not for interment rights of lesser value. When such an exchange is made, the original conveyance must be surrendered by proper assignment, or by conveyance if considered necessary, plus a fee of \$5.00 shall be paid before any change is effected.

(h) The subdivision of interment rights shall not be effective without prior consent of the city manager.

(i) The city may refuse to consent to a transfer or to an assignment as long as there is any indebtedness due the city in connection with the lot, grave memorial, lot care or right of transfer in question.

(Code 1988, § 7-39; Ord. No. 04-02, 2-12-04)

### **Sec. 26-39. Removal of flowers, emblems.**

As soon as flowers, wreaths, emblems, etc., used at funerals and placed on graves become unsightly or faded, they will be removed, and no responsibility for their protection or maintenance is assumed.

(Code 1988, § 7-40)

### **Sec. 26-40. Lot improvement and maintenance.**

(a) All work on all cemetery lots sold in sections platted and to be platted from and after July 1, 1943, will be done under the direction of the city manager, by the cemetery employees, except when permission is otherwise given.

(b) Work performed on lots to maintain, change, alter, improve, inter or disinter shall be accomplished by employees of the cemetery under the direction of the city manager.

(c) All grading, landscaping work and care of trees, shrubs, herbage and all plantings shall be done by cemetery employees, unless special permission is first granted by the city manager.

(d) Estimates for any special work will be made by the cemetery supervisor upon application, and charges for such work shall be paid in advance.

(e) If any improvement or alteration of individual property in the cemetery shall be made without prior approval of the city manager, he shall have the right to remove such improvement or alteration at the expense of the owner.

(f) Chairs, settees, benches and vases shall be permitted only if properly installed and maintained. Failure to properly install or maintain such fixtures will be cause for their removal.

(g) Coping enclosures, fences, structures of wood and hedges are prohibited. Those structures or enclosures established on any lot prior to the effective date of the ordinance from which this section derives which have, in the judgment of the city manager, become unsightly because of neglect or age will, after 30 days' written notice to the owner, be removed by the city at its expense.

(h) No elevated mounds shall be built over graves, and no lot shall be filled above the grade established by the cemetery supervisor.

(i) If any tree, shrub or plant standing upon any lot, by means of its roots, branches or otherwise, becomes detrimental to adjacent lots or avenues or if for any reason its removal is deemed necessary, the cemetery supervisor shall have the

right and it shall be his duty to remove such tree, plant or shrub or any part thereof or to otherwise correct the condition existing.

(j) Potted plants, wreaths and baskets shall be removed from lots and graves when in the judgment of the cemetery supervisor it is in the best interest of the cemetery to remove them.

(Code 1988, § 7-41)

#### **Sec. 26-41. Stone or monument work.**

The designs, specifications and locations of markers, stones or monuments in the cemetery must first be submitted to the city manager for approval before being ordered or placed. The city manager shall not prohibit individual taste in grave markers and shall deny an application only when it would be offensive to other owners or when it would tend to degrade the appearance of the cemetery.

(Code 1988, § 7-42)

#### **Sec. 26-42. Installations, foundations, vaults, markers, and memorials.**

(a) No material shall be allowed to remain in the cemetery longer than is reasonably necessary for any construction work, and no work in the cemetery shall be started on Saturday which cannot be completed on that day.

(b) Cemetery lot owners are prohibited from erecting vaults which shall extend above the ground. No vault top or concrete slab shall be placed over a grave less than 18 inches below the surface of the ground.

(c) No more than two inscriptions will be permitted on the face of any crypt in a mausoleum in the cemetery, no more than one inscription will be permitted on the face of any niche and all inscriptions shall be limited to the name of the deceased, the date of birth and date of death of such deceased.

(d) All foundations shall be built by the city at the cost of the owner, and the city shall assume the responsibility for the proper construction of the foundation.

(e) The charges for building foundations shall be established by the city manager and shall be reasonable and uniform.

(f) Only concrete or metal vaults shall be permitted to be used in the cemetery.

(g) No marker shall be set at any location unless the location has been first approved by the cemetery supervisor and the grave space is paid for in full.

(h) No material except granite, a good grade of white marble, cut stone from recognized monument quarries, or standard bronze shall be used for markers or monuments. The use of two or more kinds of granite in any one lot varying materially in color or texture shall not be permitted.

(i) Reserved.

(j) Reserved.

(k) Interments of non-cremated remains in crypts shall be made in hermetically sealed caskets or boxes. Cremated remains placed in a crypt or niche must be in the original sealed container as provided by the crematory.

(l) In all new additions, only one grave memorial will be permitted on one space. No memorial may be set to embrace two or more grave spaces except a companion or a family memorial unless approved in writing by the city manager at the time of the sale of the interment rights. All memorials shall be set on uniform lines as prescribed by the cemetery supervisor to conform to the general plan of the cemetery.

(Code 1988, § 7-43; Ord. No. 04-02, 2-12-04)

#### **Sec. 26-43. Trees, shrubs and flowers.**

(a) Cemetery lot owners are prohibited from planting trees, shrubs, vines or plants on their lots without permission of the city manager.

(b) All requests for plantings of any kind or description whatsoever shall be submitted in writing to the city manager and his approval first obtained.

(c) All plantings will be made with the permission of the city manager, in areas set aside for that purpose according to the landscape plan.

(d) Additional plantings may be made on border lots under the supervision of the city manager.

(e) Acting for the best interest of the cemetery, the city manager shall have authority to order the pruning, transplanting or removal of trees, shrubs, vines, plants or anything growing upon a lot when he may consider such action necessary.

(f) Only one vase or wreath arrangement will be permitted in front of any crypt in any mausoleum in the cemetery, except at the time of interment, when the flower arrangements will be allowed to remain in front of the crypt for a reasonable period of time.

(Code 1988, § 7-44)



## Chapter 27

### **PARKS, RECREATION AND COMMUNITY FACILITIES**

#### **Article I. Scope and Purpose**

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- Sec. 27-2. Applicability.
- Sec. 27-3. Definitions.
- Sec. 27-4. Parental responsibility.
- Sec. 27-5. Enforcement.
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- Sec. 27-16. Permit required.
- Sec. 27-17. Conditions for obtaining permit.



## ARTICLE I. SCOPE AND PURPOSE

### Sec. 27-1. Purpose and objectives.

In order to promote public health, safety and welfare of the citizens of the city, a parks and recreation ordinance is hereby enacted for the general purpose of assuring the proper balance between (1) the use of park, cultural and recreational facilities and (2) the preservation of such facilities and law and order.

(Ord. No. 12-23, § 1, 5-24-12)

### Sec. 27-2. Applicability.

(a) Unless stated otherwise herein, this article shall apply in all city parks and recreation areas and in all cultural, recreational and other community facilities which now are or which may hereafter be under the jurisdiction and control of the City of Winter Garden, and shall include all grounds, roadways, parks, athletic fields, buildings, school facilities when they are in use by the city as recreational facilities, and other areas used by the city for cultural, recreational or other community purposes.

(b) The provisions of this article shall not apply to any public officer, employee or peace officer who is acting in the course of and within the scope of the public business, nor to any other person conducting public business or related activities for, on behalf of, and pursuant to lawful authority of an appropriate public entity.

(Ord. No. 12-23, § 1, 5-24-12)

### Sec. 27-3. Definitions.

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The pronouns "he" and "his" include the pronouns "she" and "her, and the use of his/her means "his or her."

*Alcoholic beverage* means distilled spirits and all beverages containing one-half of one percent

or more alcohol by volume, including beer and wine. Medicines or drugs dispensed pursuant to a physician's prescription are excluded.

*Amplified sound equipment and/or sound-eminating equipment* means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including, but not limited to, public address systems, amplifiers, horns and megaphones.

*Animal* means any cat, dog, horse, fowl and living creature other than a human.

*Applicant* means any person seeking a permit to use or conduct an activity in a park or recreation area or facility.

*City* means the City of Winter Garden.

*City commission* means the governing body of the City of Winter Garden.

*City manager* means the chief administrative officer of the City of Winter Garden or his/her designee.

*Civic, educational or community service group* means any not-for-profit group primarily devoted to the advancement of civic, educational or community service purposes.

*Community facility* means a building owned, leased or otherwise controlled by the city which is made available for reserved use by members of the public.

*Domestic animal* means any animal not deemed to be a wild or exotic animal pursuant to Florida Game and Freshwater Fish Commission regulations.

*Facility* means any building, structure, or location owned, equipped and maintained by the city for public use.

*Lewd or lascivious act* means any one or more of those acts defined in F.S. § 800.04(4), (5), (6) and (7) or F.S. § 825.1025, as may be amended from time to time, regardless of the age of the victim(s) or observer(s) of such acts.

*Limited membership group* means denominational groups, partisan political groups, labor

organizations and other such groups where membership is limited or not open to the general public.

*Loiter or prowl* shall have the same meaning as used in F.S. § 856.021, as may be amended from time to time.

*Nonrecurring use* means infrequent use of a specific facility or the use of a facility on a special event basis (i.e., annual picnics, private parties or company-sponsored events).

*Organized play* means six persons or more engaging in a team sport athletic contest, such as, but not limited to, soccer, baseball, softball, football, basketball, or volleyball; this shall not apply for infrequent use.

*Park* means all real properties owned or controlled by the city and designated on a map maintained in the office of the city clerk, regardless of the extent of development or official designation, which serve as picnic grounds, recreation areas, nature areas and public fishing waters. Use of the term "park" in this article generally refers to those parks which are not used for organized scheduled activities. Park facilities include, but are not limited to, open space play areas, picnic shelters or pavilions, park benches, bike trails, fishing piers, boat ramps, restrooms, etc. The term "park" also refers to urban open spaces that are maintained for public use.

*Permit* means any written license issued by or under the authority of the city manager or the city commission permitting a use, event or activity in a park or recreation area or facility.

*Person* means any individual, child, firm, association, partnership, estate, trust, business trust, syndicate, fiduciary, corporation, and all other groups or combinations thereof.

*Political activities* means activities engaged in by candidates for public office, political groups, political parties or political committees.

*Professional association* means a group formed by practitioners of a specific profession or occupation.

*Recreation facility* means a building, structure, field, court, or park owned, leased or otherwise

controlled by the city for public use which hosts organized recreational activities for teams and individuals or which provides active facility sites for non-organized leisure play. Recreation facilities include, but are not limited to, ballfields, tennis courts, shuffleboard courts, and playgrounds.

*Recurring use* means repeated use of a specific facility on a regularly scheduled basis (i.e., leagues, organized play, monthly meetings, etc.).

*Reserved use* means exclusive, permitted use for one or more occasions.

*Resident* means a person or the minor children of the person who owns or leases real property within the city limits or who maintains either voter registration or a bona fide domicile within the city limits. For the purpose of assessing fees for use of city facilities, the term "resident" also includes persons who reside outside the city limits but are customers of the city's water utility.

*Service animal* means any animal such as a seeing-eye dog or hearing-ear dog used to assist a person with a disability or an animal trained for law enforcement purposes and under the control of a law enforcement officer.

*Sexual activity* means the same as defined in F.S. § 800.04(1)(a), as may be amended from time to time.

*Special event* means an event that takes place on any publicly owned property, sidewalk, alley, park, lake or other publicly owned outdoor location, which, because of its scope and impact on surrounding areas and the potential need for provision of extra services by the city, requires a permit issued by the city manager in accordance with article 4 of this chapter. Special events include, but are not limited to circuses, carnivals, concerts, festivals, parades, special photography or any other event involving the anticipated assembly of 100 or more participants, spectators or other persons. Special events that require the closure of a public street(s) must be approved by the city commission. The location of a special event shall require the approval of the city manager. Special events do not include activities sponsored by the city or activities conducted by ath-