

1 **ORDINANCE #ORD2022-02**

2
3 **AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA,**
4 **AMENDING SECTION 46-79 OF THE CODE OF ORDINANCES OF THE**
5 **CITY OF DUNNELLON TO CLARIFY THE PROHIBITION ON**
6 **COMMERCIAL USES WITHIN BLUE RUN PARK; PROVIDING FOR**
7 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
8 **CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

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10 **WHEREAS**, the City previously enacted Ordinance #ORD2021-02 enacting detailed rules
11 for the use of Blue Run Park consistent with the Blue Run Park Management Plan; and

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13 **WHEREAS**, said Ordinance prohibited unauthorized commercial use of the Park as
14 required by the Blue Run Park Management Plan; and

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16 **WHEREAS**, said prohibition could be read to include activities which are allowed or
17 protected by statute, property right or constitution; and

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19 **WHEREAS**, to provide clarity to police, park employees and others enforcing the Code,
20 the City desires to specify services which could be interpreted as commercial uses but which are
21 not meant to be included within the prohibition; and

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23 **WHEREAS**, Florida Communities Trust (“FCT”) has reviewed the amendments and
24 exceptions proposed herein and approved same in writing; and

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26 **WHEREAS**, City Council of the City Dunnellon finds that the provisions of this Ordinance
27 are consistent with the Blue Run Park Management Plan; and

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29 **WHEREAS**, the City Council of the City of Dunnellon determines that it is in the best
30 interest of the health, safety, and welfare of its residents to adopt the rules, regulations, and
31 provisions of this Ordinance as stated herein.

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33 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
34 Dunnellon Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks
35 (***) indicate an omission from the existing text which is intended to remain unchanged.

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37 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA**
38 **AS FOLLOWS:**

39 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
40 Council.

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SECTION 2: Section 46-79 of the City’s Code of Ordinances is hereby amended as follows:

Sec. 46-79. – Prohibition on Commercial Use.

- a) Commercial use of the park is prohibited ~~except by written agreement approved by the City of Dunnellon and Florida Communities Trust~~ as otherwise provided herein.
- b) For purposes of this section, ‘commercial use’ shall mean:
 - i. the sale or rental of any item, good, concession, or merchandise within the boundaries of Blue Run Park; and
 - ii. the provision of any service performed within the boundaries of Blue Run Park regardless of whether compensation for such service is paid onsite or offsite.
- c) Governmental provision of park services by Marion County for water-based recreation and/or other passive recreation programs are exempt from this section so long as such services are authorized both via Interlocal Agreement 2007-14 (entered into between the City and Marion County on May 14, 2007) and per the requirements of the Blue Run Park Management Plan. The K.P. Hole shuttle service provided by Marion County (or its contractor on behalf of Marion County) is the sole transportation service authorized per the requirements of the Blue Run Park Management Plan.
- d) This Section shall not be read to prohibit:
 - i. emergency services such as ambulances, tow trucks, and roadside assistance;
 - ii. performance of park-related services and activities for the City or other governmental agency as consistent with the Blue Run Park Management Plan;
 - iii. engagement in expressive activities protected by the First Amendment;
 - iv. disability accommodations authorized by the City;
 - v. utility services provided on site or the maintenance of any utility improvements located on site; and
 - vi. activities or services the City must allow under state or federal law.

SECTION 3. CONFLICTS. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

78 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this
79 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not
80 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
81 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or
82 unconstitutional.

83 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and
84 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
85 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
86 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
87 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

88 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective on April 1, 2022
89 following Ordinance #ORD2021-02.

90 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
91 reading on the 21st day of March 2022.

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93 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
94 the second and final reading and public hearing on the 28th day of March 2022.

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96 Ordinance Posted on the City’s website on March 3, 2022. Public hearing advertised on the City’s
97 website on March 16, 2022 and advertised in the Ocala Star Banner on March 18, 2022.

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99 ATTEST:

CITY OF DUNNELTON

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102 _____
103 Amanda L. Odom, CMC
104 City Clerk

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106 William P. White, Mayor

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108 Approved as to Form:

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112 Andrew J. Hand, City Attorney

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CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 3rd day of March 2022.

Amanda L. Odom, CMC
City Clerk