

ORDINANCE NO. 2025-13

AN ORDINANCE OF THE VILLAGE OF ESTERO, FLORIDA, REPEALING CHAPTER 22 OF THE VILLAGE CODE; CREATING A NEW CHAPTER 22 OF THE VILLAGE CODE RELATED TO PARKS AND RECREATION; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Village of Estero became a municipality in 2014 and since that time, it has endeavored to create park and recreational venues and opportunities for its residents; and

WHEREAS, upon incorporation, the Village had adopted a parks code modeled after the Lee County code, which is designed for a much different parks system; and

WHEREAS, the Village has now begun establishing its own parks and recreation locations, facilities and programs and, in advance of these being brought on line, the Village has determined that its Code be updated to reflect the Village's operational realities, policy goals, and to ensure prevailing state and federal law is recognized; and

WHEREAS, the Village staff has worked to develop the provisions of the new parks and recreation code set forth in this Ordinance; and

WHEREAS, the Village Council finds that it is in the best interests of the Village of Estero, its citizens, visitors, businesses, and property owners, to adopt this Ordinance.

NOW, THEREFORE BE IT ORDAINED by the Village Council of the Village of Estero, Florida, that:

Section 1. Chapter 22 (PARKS AND RECREATION) of the Village Code is hereby repealed in its entirety.

Section 2. A new Chapter 22 of the Village Code, entitled PARKS AND RECREATION, is hereby created as follows:

Chapter 22 – PARKS AND RECREATION

ARTICLE I. – DEFINITIONS AND GENERALLY APPLICABLE REGULATIONS

Sec. 22-1. Area of applicability.

Unless otherwise specified, this chapter shall be applicable to and govern all village-owned or village-operated parks.

Sec. 22-2. Definitions.

The following definitions apply to this chapter:

Commercial means an activity or use that is undertaken to generate income or potential income in connection with a for-profit enterprise or entity.

Concessionaire means any authorized business entity that provides instructional services, recreational activities, food and/or beverages services, or sells souvenirs at a village park.

Designated public official means an official designated to supervise certain activities within a Village park. That official may include a law enforcement officer, a code enforcement officer, a park ranger, an employee with management or oversight responsibility over a village park, security personnel for any village park, or a beach lifeguard.

Director means the village manager or such other person(s) as may be designated as such by the manager.

Large scale event means an event involving more than twenty (20) individuals.

Park means a park, playground, pocket park, recreational center, recreation area, conservation area, preserve or any other area in the village, owned or used by the village, and devoted to active or passive recreation, as designated by the village council, and includes all entryways, parking lots, pools, water bodies, maintenance structures and similar areas or structures within or adjoining such parks.

Person means any natural person, or nongovernmental legal entity or organization of any kind.

Special event means a planned use, program, or activity, planned and implemented by a person, association, or organization, other than the village, involving people gathered for a designated activity other than normal park and recreational activities of swimming, picnicking, exercising, nature watching, or sports activities. Examples of a special event include, but are not limited to, organized sport tournaments, weddings, individual or group instruction, educational seminars, music concerts, and any other activity where a fee for admission or participation is charged.

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, but shall not include any baby carriage, motorized or nonmotorized wheelchair, or other device required to allow reasonable access to parks or park facilities for persons with disabilities.

Sec. 22-3. Park property.

(1) *In general.* The following provisions apply to all village parks, including parking, office, maintenance, and related support areas:

(a) *Proper use of property and facilities.* No person shall willfully mark, deface, disfigure, injure, tamper with, inhibit the function of, vandalize, or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or part or appurtenance thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post, or other boundary marker, or other park structure,

equipment, facility, fixture, property or appurtenance whatsoever, either real or personal, without the director's consent.

(b) *Removal of natural resources.* No person shall dig, damage, remove, displace or destroy any soil, rock, stone, tree, shrub or plant, or down-timber or other wood or material, or excavate by tool, equipment, blasting, or other means without first obtaining a permit from the director. The removal of any live, non-game fish from park property is prohibited.

(c) *Erection of structures.* Other than construction authorized by the village, no person shall construct or erect any building or structure of whatever kind, whether permanent or temporary, including tents, which requires disruption to the ground by digging, driving of stakes into the ground, or otherwise, nor shall such person run or string any utility into, upon, or across such lands, except on special written permit issued hereunder by the director.

(2) *Trees, shrubbery and other vegetation.* The following provisions apply to all vegetation in village parks, including parking, office and related support areas:

(a) *Injury and removal.* No person shall damage, cut, carve, plant, transplant or remove any tree or plant. Other than in locations clearly designed for such uses, including defined paths and open fields, no person shall dig in or otherwise disturb grass, flower or plant areas, or in any other way injure or impact the natural beauty or usefulness of any landscaped area.

(b) *Climbing trees or fixtures.* No person shall climb any tree, or walk, stand or sit upon monuments, vases, fountains, railing, fences, groins, lifeguard towers, or upon any other structure or improvement in a park property not designated or designed for such purposes.

(c) *Hitching of animals.* No person shall tie or hitch a horse or other animal to any tree, plant or park fixture not designed or designated for such purpose.

(3) *Wild animals, birds, etc.* Unless specifically authorized by the village or to prevent imminent harm to a person's life or safety, no person shall hunt, molest, harm, capture, frighten, feed, kill, trap, chase, tease, shoot, or throw objects at any animal, reptile or bird; nor shall any person remove or have in his or her possession the young or eggs or nest of any such animal, reptile, or bird.

Sec. 22-4. Sanitation.

(1) *Pollution of waters.* No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, river, stream, bay 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 said waters or which does not naturally occur or appear there.

(2) *Refuse and trash.* No person shall dispose of any paper, waste, garbage, trash, cigarette butts, debris, or other litter of any kind on any village owned or operated park or recreation area except in proper receptacles. Only such paper, waste, garbage, trash, debris or other litter as may have been created or accumulated in the use of a park or recreation area shall be disposed of in such receptacles. Where receptacles are not so provided, all such material shall be carried

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

Sec. 22-5. Traffic.

- (1) State motor vehicle laws apply. In addition to the provisions of this chapter or any other village code provision, no person shall fail to comply with all applicable provisions of the state motor vehicle traffic laws, including laws on equipment and operation of vehicles and obeying traffic signs, in any village park.
- (2) Enforcement of traffic and parking regulations. No person in a park shall fail to obey the direction of any law enforcement officer or village employee, such persons being hereby authorized and instructed to enforce traffic and parking regulations whenever and wherever needed in the parks and on the roads, parking lots or trails therein or immediately adjacent thereto.
- (3) Speed of vehicles. Unless otherwise posted, no person shall operate a vehicle in a park at a rate of speed exceeding fifteen (15) miles per hour. The director is authorized to designate, by posted signs, a higher or lower rate for such roads or portions thereof as the director may determine necessary and safe.
- (4) Operation confined to roads. No person shall drive any vehicle on any park land except paved or graded roads or parking areas, or such other areas as may on occasion be specifically designated by the director as temporary parking areas. Nothing herein is intended to prohibit necessary operation of law enforcement or maintenance vehicles or park maintenance vehicles in parks.
- (5) Repair or wash vehicles. No person in a park shall repair, change oil, wash, or wax vehicles, or campers, except to make minor repairs in the event of a breakdown.
- (6) Parking and parking lots.

 - (a) Designated areas. No person shall park a vehicle other than in a designated parking area or undesignated/temporary overflow area in accordance with posted directions or under instruction of any law enforcement or park attendant who may be present to direct parking.
 - (b) Night parking. No person shall leave or allow to be left a vehicle standing or parked after park closing hours except in parking areas designated and posted for overnight parking. Trailered vessels, whether or not attached to a vehicle, and unattached trailers of any kind shall not be parked overnight in any village park. In addition to citation of the owner, the director is authorized to tow any vehicle, trailered vessel, or trailer in violation of this subsection.
 - (c) Double-parking. No person in the park shall double-park any vehicle on any road or parkway, or block any emergency entrances, unless so directed by a park official.
 - (d) Use of parking lots. Other than in designated RV lots, no person other than staff, emergency or law enforcement personnel may remain indefinitely in any designated parking lot, either within or outside of a vehicle, after the vehicle has been parked upon arrival or loaded for departure. No person shall use a parking lot to store or stage vehicles,

vessels or trailers of any kind while not actively engaged in the use of or an activity involving the village park for which the parking lot serves.

- (e) Unattended pets. No person may leave any pet unattended in, on or under a parked vehicle in any parking lot. Nothing herein shall preclude a person from using a service animal as provided for in Florida Statutes § 413.08.

(7) Bicycles.

- (a) Confined to roads. No person in the park shall ride a bicycle on other than a paved vehicular road or a path designated for that purpose. Cyclists shall at all times operate their bicycles with reasonable regard to the safety of others and follow bicycle safety standards.
 - (b) Designated racks. No person in the park shall leave a bicycle in a place other than a bicycle rack when a bicycle rack is provided and there is a space available in the rack.
- (8) Signage. The director shall ensure applicable regulations concerning traffic, parking and towing are posted prominently. The director is authorized to post the maximum fine for violation(s) on any such sign.

Sec. 22-6. Recreational activities.

(1) Bathing and swimming.

- (a) Designated areas: abide by rules. No person shall swim, or wade in any pool or water body within any park except at places designated for such activities. Any person engaging in such activities shall comply with the rules established for these areas, including, but not limited to, hours of use and safety limitations for such uses. Persons who do not know how to swim should not swim in village pools or other designated village water bodies.
- (b) Facilities for changing of clothes. No person in the park shall undress or change clothes in any park except in enclosed structures such as restrooms or designated changing areas.
- (c) Obeying instructions. Each person in the park shall abide by the instructions of any village official concerning:
 - 1. The playing of games, including flying of kites;
 - 2. Fishing from waterfront areas;
 - 3. Activities in swimming areas regarding personal safety, and the safety of other swimmers;
 - 4. The closing of the parks, water bodies or pools due to dangerous conditions; and
 - 5. Any other swimming or bathing activity.

(2) Boating activities.

- (a) Designated areas only. No person shall bring into or operate in a park any boat, raft, jet ski, or other watercraft, whether motor-powered or not, upon any waters, except at places designated for boating, docking and launching.

(b) Public dock and boat ramp usage. To the extent the village constructs, maintains or operates docks, boat launches or ramps within a village park, such docks, launches or ramps shall only be used for their intended and designed purpose, which is the active launching and retrieving of boats or similar watercraft. No person shall use such village docks, launches or ramps for storage of any kind, except for such reasonable time as may be necessary to launch or retrieve boats or similar watercraft, which shall not exceed fifteen (15) minutes. Boats, watercraft or floating objects used to travel between land and offshore vessels may not be moored to any part of a village dock, launch or ramp unless actively engaged in launching or landing.

1. Village docks, launches and ramps shall be kept clear of all equipment and gear, except for such reasonable time as may be necessary for loading and unloading.

2. Prohibitions.

a. No person shall dive or jump from any village dock, launch or ramp.

b. No person shall moor, anchor or otherwise place a boat, watercraft, vessel or floating object in a manner that impedes, restricts or otherwise interferes with the use of village docks, launches or ramps unless actively loading or unloading or as otherwise authorized by the director.

c. Fueling of any vessel from a village ramp, launch or dock involving the transfer of marine engine fuels from one fuel container to another fuel container while the receiving vessel is moored at the ramp, dock or launch unless the fueling is being performed by a village-authorized concessionaire.

(c) Operation of boats. No person shall navigate, direct, or handle any watercraft in an unreasonable manner so as to be a danger to other persons, wildlife or property, or otherwise interfere with the use or enjoyment of the park by others. All watercraft must be operated in a safe manner and comply with all applicable safety regulations.

(3) Fishing.

(a) Commerce prohibited. No person shall engage in commercial fishing in navigable waters inside any village park or preserve, or the buying or selling of fish caught therein.

(b) General prohibition. No person shall fish in any village park waters, whether fresh or salt, and whether by the use of hook and line, net, or other device, except in waters designated by the director for that use and under such regulations and restrictions as have been or may be prescribed by the director and applicable state agencies.

(4) Picnic areas and use.

(a) Regulated. Unless otherwise designated, all parks are open for picnicking use. However, use of electric, gas or fire grills or cookers shall be limited to areas immediately adjacent to any park pavilion or to other areas designated as fire/cook safe areas. Designated public officials shall have authority to regulate activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.

(b) Availability. Other than where such facilities have been reserved pursuant to established village procedures, the use of the individual fireplaces or fire pits together with tables,

and pavilions is on a “first come, first served” basis. Park patrons are required to comply with this standard and shall not intimidate, coerce or otherwise cause or seek the abandonment of such facilities by rightful “first come” users.

- (c) *Glass containers.* No glass containers shall be allowed in any park.
- (5) *Camping.* No overnight camping of any type shall be allowed at any park, preserve, boat ramp, dock or launch, or any recreation area except in those areas which may be developed and designated for such use.
- (6) *Games and remote operated aircraft or drones.* No person in a park shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as stones, arrows, javelins, lawn darts, horse shoes, model aircraft, or drones (unmanned aircraft systems) except in areas set apart for such forms of recreation. Nothing herein prohibits throwing of frisbees, footballs, baseballs, or foam balls or objects between persons.
- (7) *Remote operated model boats.*
 - (a) Remotely operated model boats powered by internal combustion engines are not permitted in any village park body of water.
 - (b) Remotely operated low noise electric model boats may be operated within any village park body of water the shoreline of which is open and accessible to park patrons. Such use shall be permitted between 9 a.m. and 5 p.m.
 - (c) Remotely operated model boats of any type, including low noise electric model boats, may not be operated on any navigable body of water within the estero river park.
- (8) *Horseback riding.* No person, other than authorized law enforcement or village staff, may ride a horse in a park, except on designated bridle trails.

Sec. 22-7. Behavior.

- (1) *Intoxicating beverages.*
 - (a) *Prohibition.* No person in the park shall sell, possess or consume alcoholic beverages, except where it is sold at specifically designated recreation areas where meals or lunches are also sold under village-granted concessions, or at approved special events where the permit authorizes such sale or consumption. The sale of alcoholic beverages by such concessionaire or special event permit holder, agent or sponsor, may be permitted under the strict regulation and control of the director. Sales of alcoholic beverages shall be made only in individual servings and shall be consumed only on the immediate premises of the concession. Persons who fail to comply with this provision will be required to leave the park premises immediately and may be cited for violation of this chapter.
 - (b) *Intoxication.* No person shall enter or remain in a park while under the influence or affected to the extent that the person’s normal faculties are impaired due to intoxicating liquor, controlled substances, or illegal substances.
- (2) *Fireworks and explosives.* No person shall possess or set off any fireworks or explosives in any park.

- (3) *Pets prohibited.* Other than authorized staff or law enforcement personnel, no person shall bring or introduce into a park any off-leash dog, cat, snake or other animal other than in those areas specifically designated for activities involving such animals. Notwithstanding the foregoing, a person may bring a dog into any park, so long as the dog remains on a leash and under the owner's control at all times, except for village athletic fields or any other area posted "no dogs allowed." Such owners are responsible for removal and disposal of any waste. Nothing herein shall preclude a person from using or training a service animal in a park as provided for in Florida Statutes § 413.08. Any person in possession of such animal is responsible for controlling the animal and cleaning up and properly disposing of any waste. At no time shall such animals be left unattended.
- (4) *Use of facilities.* Unless accompanied by a parent, no person over the age of six (6) years shall use a restroom, shower or similar area designated for the opposite sex. Use of such facilities designed and signed as accessible to persons with disabilities shall be avoided wherever possible by persons not requiring their use so they may be readily available to persons with disabilities.
- (5) *Fires.* Fires are prohibited in any village park, except in such grills, fireplaces, barbecue pits or other similarly designed fire-safe facilities or areas.
- (6) *Signs to be obeyed.* No person shall engage in any activity expressly prohibited by a posted sign, nor damage, remove or obstruct any such sign.
- (7) *Permits to be exhibited.* Persons issued any park-related permit must have such permit on hand during the permitted use, and shall produce same upon request by law enforcement or designated park officials.
- (8) *Skating.* Human-propelled (non-motorized) skating of any type, including in line, boards or other, shall be permitted on any park trail unless the trail is specifically designated as prohibiting such activities. Use of any motorized transportation devices, including e-bikes, e-scooters, hoverboards, Segways, electric unicycles, onewheels, or electric skates, are expressly prohibited on any park trail unless the trail is specifically designated as allowing such devices, except that use of an electric wheelchair or other device required to allow safe and reasonable access to park trails for persons with disabilities is allowed.

Sec. 22-8. Vending and posting of signs.

- (1) *Vending and peddling.* No person shall sell any article or thing; nor place any stand, table, cart, or vehicle for the transportation, sale or display of any such article or thing, in any park unless authorized to do so by a village-issued license, permit, or concession under the authority and regulation of the director.
- (2) *Signs and handbills.* No person shall distribute handbills or circulars, or post any sign, placard, advertisement, or similar item; nor erect or cause to be erected any sign whatever in any village park. Special event directional or other similar temporary signs may be permitted by the director pursuant to a special event permit and must be promptly removed after the special event.

Sec. 22-9. Large scale event and speech activity.

- (1) Permit required. Large scale event(s) within a park are prohibited prior to obtaining a permit from the director.

 - (a) Additional regulations not covered. The issuance of a permit under this chapter shall not excuse an applicant from the need to comply with any additional federal, state or municipal permitting or other regulatory requirements associated with the permitted activity.
 - (b) The purpose of this permit system is to coordinate multiple uses of the limited space and to assure preservation of the parks to prevent uses that are dangerous or unlawful or inconsistent with the village's rules and regulations, to enforce proper security, and to assure financial accountability for damages caused by an event. The director shall have the authority to establish guidelines and procedures (including regulating reasonable time, place and manner restrictions) for the permitting of large-scale events at village parks in accordance with this section in a content neutral manner.
 - (c) Applicable standard of review. Permits shall not be unreasonably withheld. In deciding whether to grant such a permit the director shall consider:

 1. Whether the large-scale event will interfere with previously scheduled activities or the use of previously reserved space or facilities, including sports league or tournament events;
 2. Whether the large-scale event will present an unreasonable danger to the health or safety of the applicant, village employees, general public, or participants of the large scale event;
 3. Whether the applicant or the person whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the parks department;
 4. Whether the large-scale event will disrupt the performance of the regular duties of village employees or previously planned programs organized and conducted by the parks department and previously scheduled for the same time and place;
 5. Whether the large-scale event can be held in a specific park or area of a park without unreasonably interfering with the use of park facilities by others;
 6. Whether the application contains material falsehoods or misrepresentations;
 7. Whether the applicant is a person or legal entity competent to contract, be insured, and to sue and be sued;
 8. Whether the use or activity proposed by the applicant is prohibited by law, court order, by this article or any other village code provision;
 9. Whether the application for a permit (including any required attachments and submissions) is not fully completed and executed;
 10. Whether the applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement,

insurance certificate, or security deposit within the time prescribed by the permit application; and

11. Whether the applicant has not complied or cannot comply with applicable licensure requirements, ordinances, or regulations of the parks department concerning the sale or offering for sale of any goods or services;

(d) Appeal. Any person denied a permit may file an appeal to the village manager within ten (10) days of the denial of the permit. The village manager shall promptly hear the appeal and issue a decision in writing within ten (10) days of the village's receipt of the appeal.

(2) Enforcement. Any large-scale event that is held at a village park without a permit from the director or in violation of this section may be considered a trespass. Designated village officials shall have authority to control any permitted large-scale events in any park under the terms of the permit issued.

Sec. 22-10. Operating policies.

(1) Hours. Except in unique or emergencies situations or as otherwise posted, parks shall be open to the public from sunrise to sundown. Park hours shall be posted at park entrances. Notwithstanding the foregoing, to the extent the village has entered a contract or issued a special event permit related to an event or series of events which will occur in whole or in part after sundown, including but not limited to agreements to allow for sports tournaments, league play, festivals, or concerts, park hours shall coincide with the terms of the contract or permit.

(2) Closed areas. Any park or part thereof may be declared closed to the public by the director or other designated public official at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) as the director shall find reasonably necessary. Unauthorized persons who remain in a closed park, or part or section thereof, after closing may be prosecuted for trespassing.

(3) Additional rules. Pursuant to § 2-2 of the code, the village manager may adopt, amend or rescind rules, procedures and forms regulating the use, operations or staffing of parks or recreation facilities not inconsistent with this chapter.

(4) Exceptions. The director may waive enforcement or application of any of the regulations or restrictions contained herein, with respect to particular park areas or in connection with the issuance of permits for particular activities, upon determining that such action will not interfere with the public's health and safety or its full enjoyment of park areas and facilities. However, the authority granted by this subsection shall not be subject to the viewpoint or content of speech of any individual or group but shall be based only on content-neutral factors.

(5) Permit. A permit shall be obtained from the director before conducting any activity within a park for which a permit is required herein or in any other village policy. A permit must be obtained for all special events held on park property. The issuance of a permit under this chapter shall not excuse an applicant from the need to comply with any additional federal, state or municipal permitting or other regulatory requirements associated with the permitted activity. The following apply to the permitting process:

(a) Application. A person seeking issuance of a permit hereunder shall file an application with the director on a form promulgated by the director for such purpose. Such form

shall require such information as is deemed necessary by the director. An appropriate permit application fee may be established pursuant to § 22-13 of this chapter.

- (b) *Standards for issuance.* The director shall issue a permit hereunder within his/her discretion which shall not be based upon any considerations of the class of persons the applicant belongs to or his/her/its political views, nor otherwise be unreasonably withheld. Although a legal entity or organization may apply for a permit, the application shall be executed by a responsible natural person representing such entity or organization.
- (c) *Capacity management.* The director shall establish standards of use for each park property eligible for an event permit. Such standards shall at a minimum set maximum capacities for attendance and parking, and shall take into account the impacts of such events upon abutting neighborhoods and input from law enforcement agencies.
- (d) *Security standards and requirements.* The director shall assess each application for a special event permit and, based upon the time, duration, location, nature, and estimated size of the event, along with expected weather conditions, review by public safety personnel, and other relevant factors, may impose and require permit applicant to pay for a security plan which may include regulated access points, traffic management plans, and the on-site presence of private security, off-duty law enforcement, emergency medical personnel, or other persons necessary to ensure a safe event and the prevention of damage to park property or facilities.
- (e) *Effect of permit.* A permittee shall be bound by all park rules and regulations and all applicable codes and laws and same shall be deemed to be conditions of said permits.
- (f) *Liability of permittee.* The person to whom a permit is issued shall be liable for any loss, damage or injury sustained by any other person or entity whatever by reason of the negligence of the person or persons to whom such permit is issued. The director may, in his or her discretion, condition the granting of a special events permit upon demonstration of adequate insurance naming the village as additional insured where the nature and risk of the event in question warrant such requirement.
- (g) *Revocation or declining to issue permit.* A designee of the director so empowered shall have the authority to revoke a permit or to decline to issue future permits upon a finding of a violation of any law, ordinance or rule, a false application, failure to comply with capacity, security or use restrictions, or upon other good cause shown. The director shall have the authority to review an appeal of any revocation or subsequent denial action by the designee, and shall within thirty (30) days of the appeal, issue a decision. The director is authorized to develop procedures and forms to facilitate an appeal process.

Sec. 22-11. Licensing and permitting of concessions.

- (1) *License or permit required.* Private concessionaires providing concession services or activities in village parks may only do so by obtaining a concessionaire permit for such activity or a license agreement and paying a fee in accordance with the requirements of this section and the sports and leisure services fee schedule or the natural resources fee schedule.
- (2) *Determination of council.* Upon a determination by the council that the provision of any goods or services, including but not limited to instructional services, food, beverages or souvenirs,

will be of use to park patrons or enhance and promote the village as a unique community, or provide for the comfort in and enjoyment of the use of a particular park in question, the council may, at its discretion, provide for such services through its own employees or by entering into a license agreement or permit with a concessionaire selected in accordance with any applicable requirements of the village procurement code and state law.

- (3) Terms and conditions to be included in any concessionaire license agreement or concessionaire permit. The terms and conditions of license agreements and concessionaire permit may be negotiated between the applicant and the village, but shall at a minimum include the following:
- (a) The days and hours of operation as determined by the village to meet the needs of the park patrons.
 - (b) A clear and specific description of the products that may be sold or service being offered and controls and regulations with respect to the prices that may be charged as deemed necessary by the village.
 - (c) Requirements with respect to the image, ambience, the condition of facilities and equipment made available by the village or furnished by the concessionaire, or quality of service required to reflect a favorable image of the village and provide for the health, safety and welfare of park patrons.
 - (d) The fee required by the village to help defray the costs of operating and maintaining the village's parks.
 - (e) Restrictions that prohibit the transfer or assignment of any license agreement or concessionaire permit except as may be approved within the sole discretion of the village council.
 - (f) The rights of the parties to terminate the agreement or permit with adequate notice so the village can provide for the continuation of services.
 - (g) The right of the village to terminate the agreement or permit as may be required for public convenience and necessity.
 - (h) Requirements for submission of proof of insurance in suitable amounts and naming the village as additional insured to cover any claims related to the concession.
 - (i) Such other terms and conditions as the board determines to be necessary, prudent and in the best interest of the village.
- (4) Licenses and permits not a disposition of surplus property. It is the policy and intent of the village council that any such license agreement shall not be considered the sale, conveyance, leasing or other disposition of property not needed for village purposes.
- (5) Revenues. All revenues derived from any license or permit fees or other charges are assessed against the concessionaire as a part of any agreement may be used for the maintenance and operation of the village's parks or for any other valid public purpose.
- (6) Special event vending. In addition to regularly licensed concessionaires, the temporary vending of food, beverages or any other article shall be limited to special events and activities in accordance with established procedures and according to the terms and limitations of the special event permit. Special events or activities as used herein refers to fairs, festivals, league

play or tournaments, and other activities or events of a unique, short-term or nonregular nature.

- (7) Access to concession facilities. No concessionaire may install or operate any concession-related facility without the director's express prior approval, and installation or operation of such facility shall be conditioned on the concessionaire providing the village with full access to such facility at any time.
- (8) Existing agreements and permits. The purpose of this section is to clarify and codify existing policies and practices. Any otherwise valid agreement, concession or permit existing on the date of adoption of this section shall not be impaired or altered and is hereby ratified and confirmed through its expiration.

Sec. 22-12. Restricting operation of aircraft on village parks.

Permit required. The landing and takeoff of any size or type of aircraft, including; but not limited to: helicopters, ultra-lights, balloons, paragliders, parachutes, parasailers, and hang-gliders is prohibited in village parks prior to obtaining a permit from the director; notwithstanding emergency situations which legitimately threaten the safety of an aircraft, its occupants or others.

Sec. 22-13. Fees for uses.

Upon recommendation by the director or on its own initiative, the village manager may from time to time establish, modify, revoke or suspend a schedule of fees related to the uses of village park or recreation facilities, programs or services. Such fees may be expressed as a flat fee, a percentage of income, or a fee range. To the extent a fee range is established, the manager shall have the authority to set and adjust the specific fee within the set range as actual costs and market conditions dictate.

Sec. 22-14. Sports league use of parks and fields.

- (1) No private or public sports league may make use of any village park or sports field or facility without first entering a league use agreement with the village. The terms and conditions of any such agreement shall be determined by the village manager but must, at a minimum, require:
- (a) Obtaining insurance at levels determined by the manager which provide liability coverage for the village for all injuries or losses occurring during league use;
 - (b) Requiring each league to obtain a waiver of liability from each league participant (players and coaches) releasing and holding the village harmless for any death, injury or other loss associated with the participant's league play;
 - (c) Limiting any vending or concessions by the league or third-parties on village park property unless expressly provided for in the agreement;
 - (d) Providing for the right of the village to cancel any game where the village's operational ability to host the game, or where any village-approved sports tournament will require use of the field or facility at the time the league would otherwise desire such use;

- (e) Requiring league officials to ensure participants (players, coaches, parents, vendors) know and adhere to all village park rules including rules related to parking and conduct; and
 - (f) Providing for compensation to the village in an amount commensurate with the village's proprietary operation of its sports fields and facilities.
- (2) Nothing in this section shall be construed as impairing any contractual terms or conditions with leagues entered prior to the adoption of this chapter. Any such agreements shall continue to control until the end of their terms, at which point, new league use agreements shall be required.

ARTICLE II. ADDITIONAL REGULATIONS CONCERNING ESTERO RIVER PARK

Sec. 22-20. Jumping or diving prohibited.

No person shall jump or dive from any village land or infrastructure, including any bridge, observation deck or walkover, into any body of water within Estero River Park including the Estero River.

Secs. 22-21—22-29. Reserved.

ARTICLE III. ENFORCEMENT

Sec. 22-30. Enforcement of code.

The village manager is authorized to ensure all provisions of this chapter are enforced. The manager may designate such other person(s) as he or she may deem necessary and appropriate to exercise any portion of this authority.

Sec. 22-31. Designated enforcement officials.

- (1) The village's code compliance officers are authorized to enforce all provisions of this chapter in accordance with article II of chapter 1 of this code. The village manager may also designate such other person(s) who provide onsite staffing of a village park to enforce this chapter. Any such person(s) shall first have received training on code enforcement procedures prior to engaging in enforcement actions.
- (2) Pursuant to Florida Statutes § 162.21(2), the sheriff and his or her deputies, and all state law enforcement officers, are hereby designated as code compliance officers for purposes of enforcing the provisions of this chapter within their respective jurisdictions and are thereby authorized to issue citations for violations pursuant to part II of Florida Statutes chapter 162.

- (3) In addition to the issuance of code enforcement violations, the village manager or designee may issue a trespass warning notice to persons within village parks following the standards and procedures set forth in division 3 of article II of chapter 2 of the code. Persons who are trespassed and who subsequently refuse to leave any village park property shall be referred to the sheriff for criminal violation under Florida Statutes § 810.09.
- (4) Nothing in this section shall be interpreted as prohibiting the sheriff from exercising the authority granted in Florida Statutes § 30.07.

Section 3. For purposes of codification of any existing section of the Estero Village Code herein amended, words **underlined** represent additions to original text, words **~~stricken~~** are deletions from the original text, and words neither underlined nor stricken remain unchanged.

Section 4. If any section, subsection, sentence, clause, provision or word of this Ordinance is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Village Council would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 5. The Codifier shall codify the substantive amendments to the Estero Village Code contained in Sections 1 and 2 of this Ordinance as provided for therein, and shall not codify the exordial clauses nor any other sections not designated for codification.

Section 6. Pursuant to Florida Statutes § 166.041(4)(a), prior to the date the public notice of the public hearing for this Ordinance was published, the Village prepared and posted on its website a business impact estimate which included: a) a summary of the Ordinance, a statement of the public purpose to be served by the Ordinance, b) an estimate of the direct economic impact of the Ordinance on private, for-profit businesses in the Village, c) an estimate of direct compliance costs that businesses may reasonably incur due to the Ordinance, d) identification of any new charge or fee on businesses created by the Ordinance or for which businesses will be financially

responsible, e) an estimate of the Village's regulatory costs and of revenues from any new charges or fees imposed on businesses to cover such costs, and f) a good faith estimate of the number of businesses likely to be impacted by the Ordinance.

Section 7. Pursuant to Florida Statutes § 166.041(4), this Ordinance shall take effect immediately upon adoption.

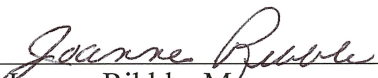
ADOPTED ON FIRST READING on the 19th day of November, 2025, by the Village Council of the Village of Estero, Florida.

ADOPTED ON SECOND AND FINAL READING on the 3rd day of December, 2025, by the Village Council of the Village of Estero, Florida.

VILLAGE OF ESTERO, FLORIDA

Attest:

By: 
Carol Sacco, CMC, Village Clerk

By: 
Joanne Ribble, Mayor