

ORDINANCE NO. 2014-1172L

AN ORDINANCE OF THE CITY OF WEWAHITCHKA RESTRICTING THE PRESENCE OF HORSES ON CERTAIN CITY PROPERTY WITHOUT A PERMIT, PROVIDING FOR ISSUANCE OF A PERMIT, PROVIDING FOR PENALTIES, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, THE City Commission has received numerous complaints from Citizens regarding the riding of horses on certain city property; and

WHEREAS, horse riders/owners have not removed horse excrement from City parks and sidewalks and walkways; and

WHEREAS, the failure of horse owners to clean up after their horses in City parks and sidewalks impairs the use and enjoyment by other citizens of city parks and sidewalks;

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WEWAHITCHKA as follows:

1. PROHIBITION: The riding, walking or presence of a horse or horses is prohibited on *all* City sidewalks except in times of public emergency as a law enforcement measure. The riding, walking or presence of a horse or horses in all city parks, except the 4H Horse Arena area at T L James Park without a permit is prohibited except in times of public emergency as a law enforcement measure. A public emergency is anytime so declared by the City Mayor in accordance with the City Charter.

2. EXCEPTIONS: Horses are allowed in city parks only upon issuance of a permit by the City Clerk. A permit will be issued provided all the following conditions are met:

a. The presence of a horse or horses must be pursuant to an event open to the public, i.e. licensed rodeo, public demonstration of working horses, sheriff's posse, or similar event;

b. A person shall be designated on the permit application who is responsible to remove all excrement from the park and/or sidewalk.

c. A permit fee of \$35.00 shall be charged. A \$500.00 deposit shall be required. The deposit is to ensure that the park is left free of excrement and it's returned to its original state. Only upon inspection by the City Manager and the park premises found to be in good order will the deposit be returned. The deposit may be used to clean and restore the park to its original condition and the remainder, if any, shall be returned to the applicant. In the event the deposit is insufficient to restore the property, the deficiency shall be the responsibility of the applicant.

3. ENFORCEMENT:

a. A violation of the ordinance constitutes a misdemeanor of the second degree, punishable by fine not to exceed \$500.00, or imprisonment not to exceed 60 days in jail, or both.

b. At the City's discretion, the City may enforce this ordinance through Code enforcement proceedings or any other manner allowed by law.

1. The fine for a first code citation is \$50.00 plus cleanup costs payable to the City Clerk within 14 days. The person to whom the citation is issued may request to the City Clerk, within 5 days of the citation issuance, a hearing before the special magistrate. The magistrate may impose a fine not to exceed \$500.00 and costs to clean up property.


2. For every code citation subsequent to the first citation, the fine will increase by \$150.00 to a maximum of \$500.00.


4. **SEVERABILITY:** If any part of this ordinance is declared void by a court of competent jurisdiction, that portion shall be severed from the ordinance and the remainder thereof shall have full force and effect.

5. **EFFECTIVE DATE:** This ordinance will take effect upon passage.



CITY OF WEVAHITCHKA


Mayor Pro-Tem Tony Justice


City Clerk, Connie Parrish

