

Ordinance 12- 08

A ORDINANCE PROVIDING THAT ALCOHOLIC BEVERAGES. AND INTOXICATING BEVERAGES SHALL NOT BE CONSUMED AT THE EASTPOINT PAVILION; FORBIDDING LOITERING; FORBIDDING PUBLIC NUISANCES; PROVIDING FOR PENALTIES, PROVIDING FOR SEVERABILITY AND AN EFFECTIVB DATE

WHEREAS, the Board of County Commissioners of Franklin County has established a public park and recreation area known as the Eastpoint Pavilion, that is more particularly described on Exhibit "A", and

WHEREAS, the Board of County Commissioners has determined that it is in the public interest that alcoholic and intoxicating beverages shall not be consumed at the Eastpoint Pavilion, and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the public to forbid loitering at the Eastpoint Pavilion, and

WHEREAS, the Board of County Commissioners has determined that it is in the best interests of the public to forbid public nuisances at the Eastpoint Pavilion, and

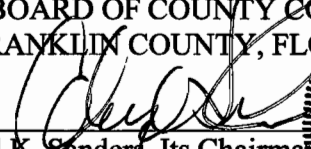
WHEREAS, Franklin County hereby determines that the enactment of this ordinance is a valid exercise of its home rule powers to protect the public's health, safety and welfare,


NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, FLORIDA, in order to promote the health, safety and welfare of the people of Franklin County, that:

1. Franklin County owns the Eastpoint Pavilion located at 344 Patton Drive, Eastpoint, Florida that is more particularly described on the attached four page composite "Exhibit A."
2. The consumption of alcohol at the Eastpoint Pavilion is prohibited and constitutes a violation of this ordinance.
3. Loitering at the Eastpoint Pavilion is prohibited and constitutes a violation of this ordinance.
4. Causing or contributing to a public nuisance at the Eastpoint Pavilion is prohibited and constitutes a violation of this ordinance.

5. Violations of this ordinance shall be punished, as follows:
  - a. First Violation: \$80.00 civil penalty payable to Franklin County.
  - b. Second Violation: \$150.00 civil penalty payable to Franklin County.
  - c. Third and all subsequent violations: Second Degree Misdemeanor.
6. Loitering: Loitering shall be defined by Section 856.021, Florida Statutes (2011), or such future definition provided by Florida Statutes, but shall be punished as provided herein. A copy is attached hereto as exhibit "B."
7. Nuisance: Nuisance shall be defined as interference with the public's reasonable use and enjoyment of the Pavillion property by means of smoke, odors, noise, vibration, obstruction of public rights, such as, but not necessarily limited to, reasonable free passage, use and enjoyment of the Pavillion as a public park and place of recreation. Nuisance shall further include any activity that arises from unreasonable, unwarranted or unlawful use causing an obstruction or injury to the public and producing such material annoyance, inconvenience and discomfort that the law will presume resulting damage.
8. Severability: If any part of this ordinance shall be found to be unenforceable by a court of competent jurisdiction, then such part shall be severed from this ordinance and the remainder of the ordinance shall remain in full force and effect.
9. Effective Date: This ordinance shall take effect as provided by law.
10. Any ordinance in conflict herewith is repealed.

THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA

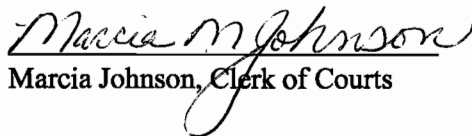
BY:   
Cheryl K. Sanders, Its Chairman



SEAL  
BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, FLORIDA

Dated: December 4, 2012

Attest:

  
Marcia Johnson, Clerk of Courts

Approved As To Legal Form:

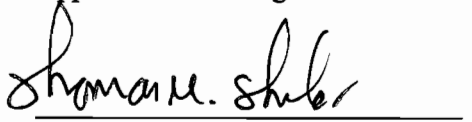
  
Thomas M. Shuler, County Attorney

Exhibit "A"

**Edwin G. Brown  
& Associates, Inc.**  
SURVEYORS \* MAPPERS \* ENGINEERS

FEBRUARY 25, 2005  
(REVISED: MARCH 21, 2005)

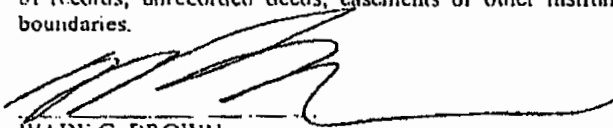
PAUL S. LOWE

I hereby certify that this is a true and correct representation of the following described property and that this description substantially meets the minimum technical standard for land surveying (Chapter 61G17, Florida Administrative Code).

PARCEL "A"  
0.14 ACRES

Commence at the Southwest Corner of the Northeast Quarter of Fractional Section 31, Township 8 South, Range 6 West, Franklin County, Florida; thence run North 127.00 feet to a rod and cap lying on the Southerly right of way of State Road Number 65; thence run along said right of way North 60 degrees 46 minutes 22 seconds East 119.00 feet to a rod and cap for the POINT OF BEGINNING; thence from said POINT OF BEGINNING continue along said right of way North 60 degrees 46 minutes 22 seconds East 50.00 feet to a rod and cap; thence leaving said right of way run, South 29 degrees 13 minutes 38 seconds East 122.87 feet to a point lying on the approximate mean high waterline of the St. George Sound; thence run along said waterline run South 62 degrees 13 minutes 05 seconds West 7.84 feet to a rod and cap; thence South 59 degrees 14 minutes 22 seconds West 29.96 feet to a rod and cap; thence North 72 degrees 02 minutes 03 seconds West 17.84 feet to a rod and cap; thence leaving said waterline run North 29 degrees 34 minutes 13 seconds West 110.45 feet to the POINT OF BEGINNING, containing 0.14 acres more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.



WADE G. BROWN  
Surveyor & Mapper  
Florida Certificate No. 5959  
(LB 6475)

04-566PSC:26577

Exhibit "A"

**Edwin G. Brown  
& Associates, Inc.**  
**SURVEYORS \* MAPPERS \* ENGINEERS**

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PAUL S. LOWE

I hereby certify that this is a true and correct representation of the following described property and that this description substantially meets the minimum technical standard for land surveying (Chapter 61G17, Florida Administrative Code).

PARCEL "B"  
0.14 ACRES

Commence at the Southwest Corner of the Northeast Quarter of Fractional Section 31, Township 8 South, Range 6 West, Franklin County, Florida; thence run North 127.00 feet to a rod and cap lying on the Southerly right of way of State Road Number 65; thence run along said right of way North 60 degrees 46 minutes 22 seconds East 169.00 feet to a rod and cap for the POINT OF BEGINNING; thence from said POINT OF BEGINNING continue along said right of way North 60 degrees 46 minutes 22 seconds East 50.00 feet to a rod and cap; thence leaving said right of way run, South 29 degrees 34 minutes 13 seconds East 123.34 feet to a point lying on the approximate mean high waterline of the St. George Sound; thence run along said waterline as follows: South 60 degrees 57 minutes 15 seconds West 39.19 feet to a rod and cap; thence South 62 degrees 13 minutes 05 seconds West 10.98 feet; thence leaving said waterline run North 29 degrees 13 minutes 38 seconds West 122.87 feet to the POINT OF BEGINNING, containing 0.14 acres more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

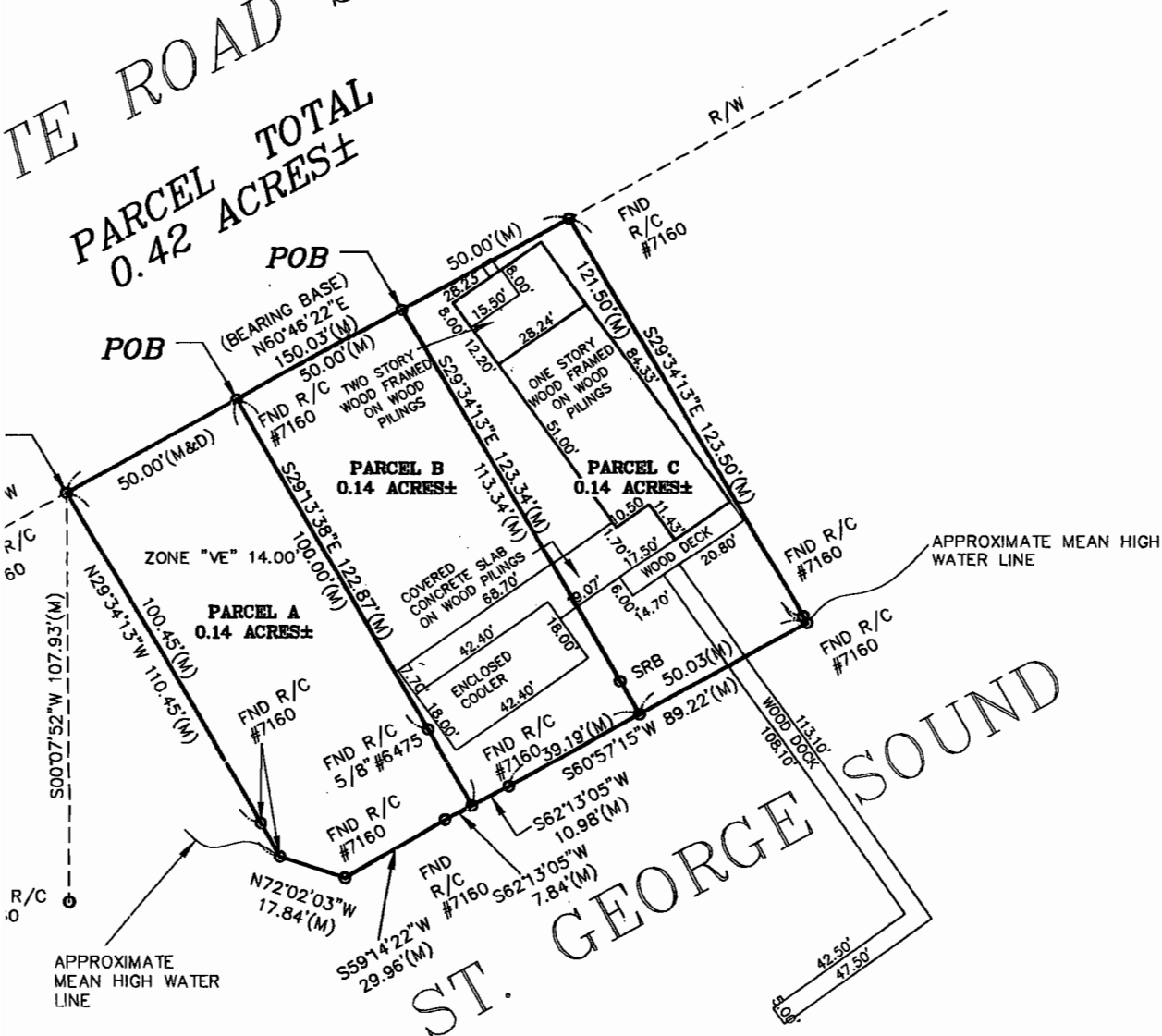


WADE G. BROWN  
Surveyor & Mapper  
Florida Certificate No. 5959  
(LB 6475)

04-566PSC:26577



TE ROAD S-65  
 PARCEL TOTAL  
 0.42 ACRES±



**ENCEMENT**  
 WEST CORNER OF THE  
 FRACTIONAL SECTION 31,  
 E 6 WEST, FRANKLIN COUNTY,

- LINE NOT TO SCALE
- - FND CONCRETE MONUMENT (4x4 #8475 UNLESS NOTED OTHERWISE)
- ☆ - SERVICE POLE
- - FND MONUMENTATION (SEE DESCRIPTION)
- ⊙ - TOP OF MANHOLE
- ⊕ - STORM DRAIN MANHOLE
- ⊗ - SEWER METER
- SSMH - SANITARY SEWER MAN HOLE
- ⊞ - ELECTRIC BOX
- ⊞ - FIRE HYDRANT
- ⊞ - WATER VALVE
- PH - PHONE BOX
- ⊞ - WATER METER
- RCP - RIGID CONCRETE PIPE
- PVC - POLYVINYL CHLORIDE PIPE
- CMP - CORRUGATED METAL PIPE
- HDFP - HIGH DENSITY PLASTIC PIPE
- FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION

**CERTIFIED TO:**  
 FRANKLIN COUNTY, FLORIDA;  
 A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA;  
 DODD TITLE COMPANY, INC.;  
 STEWART TITLE GUARANTY COMPANY

PLAT OF BOUNDARY SURVEY PREPARED FOR <b>FRANKLIN COUNTY, FLORIDA</b>			
PREPARED BY: <b>EDWIN G. BROWN AND ASSOCIATES, INC.</b> 2913 CRAWFORDVILLE HWY. P.O. BOX 825 CRAWFORDVILLE, FL 32326 (850)928-3016			
NOTEBOOK/PAGE	COUNTY: FRANKLIN	DRAWN BY: TY	REVIEWED BY: WGB
NOTEBOOK/PAGE	SECTION: S1	SCALE: 1"=30'	CHECKED BY: WGB
NOTEBOOK/PAGE	TOWNSHIP: 8-SOUTH	SURVEY DATE: FEBRUARY 25, 2005	
SHEET: 1 OF 4	RANGE: 6-WEST	JOB NUMBER	PSC#
DATE: SEPTEMBER 28, 2006			

(1) It is unlawful for any person to loiter or prowl in a place, at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(2) Among the circumstances which may be considered in determining whether such alarm or immediate concern is warranted is the fact that the person takes flight upon appearance of a law enforcement officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the law enforcement officer did not comply with this procedure or if it appears at trial that the explanation given by the person is true and, if believed by the officer at the time, would have dispelled the alarm or immediate concern.

(3) Any person violating the provisions of this section shall be guilty of a misdemeanor of the second degree, punishable as

provided in s. 775.082 or s. 775.083.

CREDIT(S)

Laws 1972, c. 72-133, § 1. Amended by Laws 1997, c. 97-102, § 1384, eff. July 1, 1997.

