



Welaka, FL

River of Lakes

WORKSHOP

Monday, August 15, 2022

5:30 PM

ORDINANCE 2022-06

Town of Welaka Park Regulations

This Meeting will be held in the Honorable Willie Washington, Jr. Town Council Room 400
4th Avenue, Welaka, FL 32193

(This Workshop will be broadcasted, for view only, on the Town of Welaka's Facebook Page)

1. Call to Order
2. Pledge of Allegiance and Invocation
3. Roll Call of the Welaka Town Council
4. Input from the residents. This will be an event that will allow the residents to come and speak to their Council Members on which Welaka park regulations are important to them.
5. Public Comment
6. Closing Remarks
7. Adjourn

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ORDINANCE 2022-06

Town of Welaka Park Regulations

SECTION 1 Damaging, Injuring or Removing Items from Park and Recreational Facilities is Unlawful.

(a) **General Disfiguration and Removal.** It shall be unlawful for any person in a park to mark, deface, disfigure, injure, tamper with, displace or remove, any buildings; bridges; tables; benches; fireplaces; railings; paving or paving materials; water lines or other public utilities or parts or appurtenances thereof; signs, notices or placards, whether temporary or permanent; monuments; stakes; posts; or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(b) **Injury or Removal of Natural Features.**

(1) Trees, Shrubbery, Lawns. It shall be unlawful for any person in a park to damage, cut, carve, transplant, or remove any tree or plant, or injure the bark, or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, wetlands, or in any other way injure or impair the natural beauty or usefulness of any area.

(2) Removal, Excavation of Natural Resources. It shall be unlawful for any person in a park to dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, except by specified written permit issued hereunder.

(c) **Climbing Trees, Monuments, Fences, etc.** It shall be unlawful for any person in a park to climb any tree or walk, stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.

(d) **Restrooms and Washrooms.** It shall be unlawful for any person in a park to fail to cooperate in maintaining park restrooms and washrooms in a neat and sanitary condition.

(e) **Discarding Refuse and Trash.** It shall be unlawful for any person in a park to bring, or have brought in, or to dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash on park property. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

48 (f) **Water Pollution and Contamination.** It shall be unlawful for any person in a park to
49 throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake
50 stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer,
51 or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or
52 may result in the pollution, discoloration or contamination of said waters.

53

54 **SECTION 2 Vehicle Usage and Parking.**

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56 (a) **Vehicle Operation Confined to Designated Roads and Parking Areas.** It shall be
57 unlawful for any person in a park to drive any vehicle on any area except on designated park roads
58 or parking areas.

59

60 (b) **Parking.**

61

62 (1) Parking in Designated Lots Only. It shall be unlawful for any person in a park to
63 park a vehicle in other than a designated parking area, and such use shall be in
64 accordance with the posted directions.

65

66 (2) Parking Areas for Loading and Unloading Only. It shall be unlawful to gather or
67 loiter in a designated parking area except for purposes of loading and unloading
68 the vehicle.

69

70 (3) Parking After Hours Prohibited. Parking, stopping, or standing in a vehicle either
71 in a designated off-street parking area for the park or in the right-of-way abutting
72 the park boundaries after established park hours is prohibited, unless approved
73 under a special written permit issued under this Article.

74

75 **SECTION 3 Proper Usage and Activities in Public Parks and Recreational Facilities.**

76

77 (a) **Erection of Structures.** It shall be unlawful for any person in a park to construct or erect
78 any building or structure of whatever kind, whether permanent or temporary in character, or run
79 or string any public service utility into, upon, or across park lands, except for special written permit
80 issued under this Article.

81

82 (b) **Swimming and Bathing.**

83

84 (1) Designated Areas. It shall be unlawful for any person in a park to swim, bathe or
85 wade in any waters or waterways in or adjacent to any park, except in such waters
86 and at such places as are provided therefore, and in compliance with such
87 regulations as are herein set forth or may be hereafter adopted. Nor shall any
88 person frequent any waters or places customarily designated for the purpose of
89 swimming or bathing, or congregate thereat, when such activity is prohibited by
90 the Mayor upon finding that such use of the water would be dangerous or
91 otherwise inadvisable.

92

93 (2) Certain Hours. It shall be unlawful for any person in a park to frequent any waters
94 or places designated for the purpose of swimming or bathing or congregate
95 thereat, except between such hours of the day as shall be designated for such
96 purposes.

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(c) **Fishing.**

- (1) Fishing Defined. In addition to the activity of catching fish, either for food or as a sport, fishing as used here shall include catching crab or shrimp for food or sport.
- (2) Commerce Prohibited. It shall be unlawful for any person in a park to engage in commercial fishing, or the buying or selling of fish caught in any waters inside the Town limits.
- (3) Fishing Prohibited in Boat Ramps. It shall be unlawful for any person in a park to fish in areas designated for boat ramps.
- (4) Fishing Prohibited in Designated Swimming Areas. It shall be unlawful for any person in a park to fish offshore from the beaches designated for swimming or bathing.
- (5) Fishing Prohibited Outside of Established Park Hours. It shall be unlawful for any person to fish from the shore of any park, including any public Town pier or dock facility, except during established hours of operation under Section 4 below.

(d) **Picnic Areas.**

- (1) Availability. Individual picnic amenities such as tables, benches, follows the general rule of "first-come, first-served," except in those cases where prior reservations have been made pursuant to a permit issued under Section 5 below.
- (2) Non-Exclusivity. It shall be unlawful for any person in a park to use any portion of the picnic areas or any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, or to use such area and facilities for an unreasonable time if the facilities are crowded, except in those cases where prior reservations have been made pursuant to a permit issued under Section 5 below.

(e) **Camping.** No person shall be allowed in the parks after the established hours for public access provided for under Section 4 below. This shall be interpreted to mean that, in addition to being unlawful to be present in a park after established hours, is shall be unlawful to set up sleeping bags, hammocks, tents, shacks or any other temporary shelter for the purpose of overnight camping in any parks, right of ways or other public spaces, nor shall any person leave any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, RV camper, camp-wagon or the like, except by as expressly provided under a permit issued by the Town Council under Section 5, below, and then only in specified areas that must be specifically designated in the permit.

(f) **Use of Weapons.** All parks, recreational facilities, or other properties owned by the Town of Welaka are public places within the meaning of section 790.15, Florida Statutes, as amended.

- (1) No person shall carry a firearm on such properties unless properly licensed or authorized to carry firearms under Chapter 790, Florida Statutes.

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(2) It shall be unlawful to discharge a firearm in or into public places except for lawful purposes as defined by Chapter 790, Florida Statutes.

(3) Air rifles, spring-guns, bow and arrows, slings, or any other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. except a person lawfully defending life or property.

(g) **Fireworks and Explosives.** It shall be unlawful for any person in a park to bring, or have in his possession, or set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any park area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that, in conjunction with any substance or compound, would be dangerous from any of the foregoing standpoints, except under the sponsorship of organized groups and with the permission of the Town Council after application to and a public hearing before the Town Council.

(h) **Fires.** It shall be unlawful for any person in a park to build or attempt to build a fire except in areas designated for outdoor grilling, and then only in a proper grilling apparatus. Open fire pits or trash barrel fires are prohibited. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other flammable material, within any park area or on any highway, road, or street abutting or contiguous thereto.

(i) **Loitering, Disorderly Conduct.** It shall be unlawful for any person in a park to sleep or protractedly lounge on seats, on benches, in vehicles or in other areas; or to engage in loud, boisterous, threatening, abusive, insulting, or indecent language; or to engage in any disorderly conduct or behavior tending to a breach of the public peace.

(j) **Restricted Areas.** It shall be unlawful for any person in a park to enter an area posted as "Closed to the Public"; nor shall any person use or abet the use of any area in violation of posted notices. Any section or part of any park may be declared closed to the public by the Mayor at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Mayor shall find reasonably necessary.

(k) **Intoxicating Substances Prohibited.** It shall be unlawful for any person to consume any beer, wine, or liquor, as defined in the beverage law of the State of Florida, or any in any park, boat ramp, or recreation area owned or maintained by the Town, except for a special event authorized and permitted by the Town Council pursuant to the Town's special event policies and procedures.

(l) **Gambling.** It shall be unlawful for any person in a park to gamble or participate in or abet any game of chance. A raffle conducted in Town parks pursuant to a permit issued hereunder that serves as a legitimate fund-raising event for civic and religious organizations located in Town, where all the proceeds are used to support the civic and religious organization are not considered gambling under this section.

194 (m) **Advertising Generally.** It shall be unlawful for any person in a park to announce, advertise
195 or call the public attention in any way to any article or service for sale or hire without the express
196 permission of the Town Council.

197
198 (n) **Vending and Peddling.** It shall be unlawful for any person in a park to expose or offer for
199 sale any article or thing, or to station or place any stand, cart, or vehicle for the transportation, sale
200 or display of any such article or thing, or to engage in any commercial business activity. An
201 exception is made as to any regularly licensed concessionaire acting by and under the authority
202 and regulation of a special permit issued hereunder.

203
204 (o) **Dogs and Other Pets in Parks.**

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206 (1) It shall be unlawful for any person keeping, harboring, owning or responsible for a
207 dog or other pet to permit the dog to be in a public park unless the dog is held, by
208 a competent person, on a leash that is no more than eight [8] feet in length.

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210 (2) Exceptions.

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212 (a) It is a defense to a charge of violating this section that the dog involved is
213 a working dog trained to assist disabled individuals and that the dog is
214 under the control of a competent person and obedient to the command of
215 such person.

216
217 (b) It is a defense to a charge of violating this section that the dog involved
218 was participating in an organized competition or that the dog involved was
219 engaged in an organized training exercise under the supervision of a
220 person competent to provide such training.

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222 (c) It is a defense to a charge of violating this section that the dog involved is
223 a trained police dog and that the dog is under the control of a competent
224 person and obedient to the command of such person.

225
226 (d) It is a defense to a charge of violating this section that the dog is located
227 inside an established dog park where dogs have been expressly permitted
228 or required by the Town to be off their leash while in the designated dog
229 park.

230
231 (3) No person owning or responsible for a dog shall permit the dog to defecate on any
232 public property or right of way. It is a specific defense to a charge of violating this
233 section that the person keeping, harboring, owning or responsible for the dog or
234 other pet has and makes use of equipment to remove animal waste and dispose of
235 it in a sanitary and lawful manner or that the dog involved is a certified working
236 dog trained to assist disabled individuals and that the person charged has a
237 disability which prevents the individual from removing the excrement and
238 properly disposing of it in a sanitary manner.

239
240 (p) **Posting Signs.** It shall be unlawful for any person in a park to paste, glue, tack or otherwise
241 post any sign, placard, advertisement, or inscription whatsoever, or to erect or cause to be erected
242 any sign whatsoever on any public lands or highways or roads adjacent to a park. A temporary

243 sign posted to advertise a special event at the park approved by a permit issued hereunder may be
244 posted on the day of the event at or near the area to be occupied by the event.

245
246 (q) **Extinguish Grills and Remove Trash.** It shall be unlawful for any person in a park to leave
247 the park area before any grill fire is completely extinguished or before all his or her trash, garbage
248 or other refuse is placed in the disposal receptacles where provided. If no such trash receptacles
249 are available, then the person shall be responsible for carrying away all his or her refuse and trash
250 away from the park area to be properly disposed of elsewhere.

251
252 (r) **Use of Vehicles.** It shall be unlawful to operate motorized vehicles of any kind inside a public
253 park except in designated parking areas, unless expressly permitted pursuant to a special event
254 permit under Section 5, below, or such vehicle is being operated by a Town employee or authorized
255 contractors in the normal course of their official duties for the Town. This includes but shall not
256 be limited to cars, trucks, golf carts, and off-road vehicles of any size or type.

257
258 (s) **Mooring.** It shall be unlawful to moor any motorized or non-motorized watercraft over night
259 at a public dock or pier owned and maintained by the Town except when expressly authorized by
260 the Town. The Town may, in its discretion, establish additional rules and regulations concerning
261 the use of its docks and piers.

262 **SECTION 4 Hours of Operation.**

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264 (a) **Establishing the Hours of Operation.** The Town Council may set and establish from time
265 to time by Resolution the permissible times or hours in which the various Town parks or other
266 recreational facilities may be used. Except for unusual and unforeseen emergencies, parks shall
267 be open to the public every day of the year during the designated hours. The opening and closing
268 hours for each individual park shall be posted at Town Hall for public information. Absent a
269 resolution and a posting of specific hours that a park will be open to the public, the default
270 designated hours for all Town parks shall be sunrise to sunset.

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273 (b) It shall be unlawful and a violation of this ordinance to be in a Town park or recreational
274 facility outside of the established hours.

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276 (c) The Mayor or the Chief of Police are hereby authorized, in their discretion, to close a park
277 or parks or reduce the hours of said park or parks based on a determination that it is in the best
278 interest of the health, safety and general welfare of the public. Valid purposes for closure or
279 reduced hours may include but are not limited to:

280
281 (1) Over-crowding, excessive traffic and/or noise.

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283 (2) Damage to support facilities such bathrooms, parking areas, playground equipment,
284 etc.

285
286 (3) Unsafe conditions due to current or impending weather events.

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288 (4) Person or persons violating the provisions of this Ordinance in blatant disregard to
289 direction given by the Mayor, the Chief of Police or such other person authorized
290 by the Mayor or the Chief of Police to provide such direction.

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SECTION 5 Park Permits.

(a) **Permit Required.** A permit shall be obtained before holding or participating in any special event or activity in a park. A special event or activity as used in this section shall mean a gathering of more than 20 people for a single purpose or event such as a birthday party, wedding, family reunion, organized sporting event, rally, festival, etc. The Mayor, or the Chief of Police upon the request of the Mayor, may review and determine whether to issue a permit under this Section; except that events that are expected to exceed 50 participants or will otherwise make use of the full capacity of the park so that members of the public who are not part of the event or activity will be excluded from the park, then the application must be approved by the Town Council. Copies of park permits issued pursuant to this Section, whether issued by the Mayor or the Town Council, will be provided to the Chief of Police; and any event expected to exceed 50 participants shall be subject to review by the Chief of Police to determine whether additional public safety measures are necessary, including but not limited to traffic control and the provision of additional law enforcement.

(b) **Application.** A person seeking issuance of a permit hereunder shall submit an application to the Mayor on a form provided by Town Hall. The application shall include, at a minimum:

- (1) The name and address of the applicant.
- (2) The name and address of the person sponsoring the activity, if any.
- (3) The day and hours for which the permit is desired.
- (4) The park or portion thereof for which such permit is desired.
- (5) An estimate of the anticipated attendance.
- (6) The nature of the activity and whether there will be amplified sound.
- (7) Any other information which the permit issuer shall find reasonably necessary to a fair determination as to whether a permit should be issued hereunder.

(c) **Standards for Issuance.** The Mayor or the Town Council may issue a permit hereunder when they find:

- (1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the public enjoyment of the park.
- (2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety, and recreation.
- (3) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct.
- (4) That the proposed activity will not entail unusual, extraordinary, or burdensome expense or police operation by Town.

- 341
 342 (5) That the facilities desired have not been reserved for other use at the day and hour
 343 required in the application.
 344
 345 (6) The proposed activity and use will not extend past the established hours of
 346 operation for the park unless the permit has been brought before the Town Council
 347 for approval and the Town Council expressly approves a waiver of the hours of
 348 operation.
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 350 (7) The proposed use will not violate the Town’s Noise Ordinance unless the permit
 351 has been brought before the Town Council for approval and the Town Council
 352 expressly approves decibel levels more than the levels established by ordinance.
 353
 354 (8) The application or request is timely.
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 356 (9) The application demonstrates sufficient planning and resources to support the
 357 proposed use, including proper arrangements for the applicant to provide
 358 management and removal of trash and debris from the park, public safety of the
 359 attendees, and the provision portable toilet facilities if deemed necessary by the
 360 Town due to the size, length, or general nature of the event.
 361

362 (d) **Liability of Permittee.** The person to whom a permit is issued shall be liable for any
 363 applicable ordinances as fully as though the same were inserted in said permits.
 364

365 (e) **Revocation.** The Mayor or the Chief of Police shall have the authority to revoke a permit
 366 upon finding a violation of any rule or ordinance, or upon good cause shown.
 367

368 (f) **Display of Permit Required.** It shall be unlawful for any person in a park to fail to
 369 produce and exhibit any permit he claims to have upon request of any authorized person who shall
 370 desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule.
 371

372 (g) **Interference with Permittees.** It shall be unlawful for any person in a park to disturb or
 373 interfere unreasonably with any person or party occupying any area or participating in any activity
 374 under the authority of a permit.
 375

376 **SECTION 6 Fees.**
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378 The Mayor shall have the authority to implement and collect the following fee schedule for the use
 379 of the Town’s parks and other publicly owned properties for events or occasions other than Town-
 380 sponsored events.

381 **USE OF PUBLIC FACILITIES**
 382

383 *Special Sporting Events* \$___ per team per day, or \$___ per day, whichever
 384 is greater, plus a deposit of \$___ per day
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386 *Seasonal Sporting Clubs* \$___ per team, or \$___ per month, whichever is
 387 greater, plus a deposit of \$___ per day
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389 *Special Event – 100+ People* \$___ per hour or \$___ per day, plus \$___ deposit per
390 day
391
392 *Special Event – 50 to 100 People* \$___ per hour or \$___ per day, plus a deposit of
393 \$___ per day
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395 *Special Event – 20 to 50 People* Resident: \$___ deposit only, no usage
396
397 Non-Resident: \$___ per hour, or \$___ per day,
398 whichever is less, plus \$___ deposit per day
399 *Insurance may still be required by Mayor
400 depending on the type of event
401

402 The Mayor shall have the authority to reduce the fee or deposit requirement for Town sponsored
403 or charitable events. Any other request to reduce or waive fees as provided for in this Section shall
404 require approval of the Town Council.
405

406 **SECTION 7 Insurance.**
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408 For special events over fifty [50] people, or for use of sporting facilities for organized
409 sports camps or leagues, or at the discretion of the Mayor due to the nature of the proposed use,
410 the host organization or person shall be required to carry a occurrence form general liability policy
411 that shall name the Town as an additional insured with a right of defense, with minimum coverage
412 protection of sufficient to cover the maximum liability of the Town under state law. Special
413 events, or use of sporting facilities involving more than 1,000 persons, the limits will be no less
414 than \$1,000,000 / \$2,000,000. Any request to waive or reduce the amount of insurance coverage
415 shall require the approval of the Town Council.
416

417 **SECTION 8 Security and Traffic Control.**
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419 The Chief of Police shall determine whether security and traffic control devices may be mandated
420 due to the size and nature of the proposed event. Unless expressly waived by the Town Council,
421 the costs associated with any additional security and traffic control shall be borne by the festival
422 organizers and shall be paid prior to the event with the standard permit fee and deposit.
423

424 **SECTION 9 Application Required, Minimum Time to Review, and Right to Refuse.**
425

426 Subject to the discretion of the Mayor or the Town Council to increase the time frames described
427 herein, applications that require only mayoral or Chief of Police approval shall be submitted at
428 least 72 hours in advance of the proposed event. For events or activities where Town Council
429 approval is required, application must be submitted no later than two weeks prior to date of the
430 Town Council meeting where such application will be reviewed.
431

432 Any proposed use of the Town park or public facilities for events that will draw more than 100
433 persons, or involve bringing in elements not already provided at the park or public facilities (i.e.
434 staging, booths, bounce houses, amplification devices, etc.) shall be required to obtain a permit
435 from the Town Council as provided in section 5 above. Such permit application shall be submitted,
436 and all necessary fees, documentation and insurance provided at least 30 days prior to the proposed
437 event or usage date.

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The Mayor or the Town Council shall have the discretion to refuse or deny the use of Town parks, or other public facilities, if he or they determine that the proposed use is inappropriate for the facilities such that it has the potential to damage the facilities and prevent normal use thereof; or if there is a conflict with events or uses already permitted for that same date or dates; or if the person(s) using or proposing to use the facilities have demonstrated improper use of the facilities in the past; or if the person(s) proposing to use the facilities is unable to provide the required fee, deposit or insurance in a timely fashion.

SECTION 10 Penalties.

(a) A violation of this Ordinance shall be punishable by any enforcement action or legal remedy permitted by law including, but not limited, to (i) prosecution as a misdemeanor with imposition of a fine not to exceed \$500.00, imprisonment for a term not to exceed 60 days, or by both fine and imprisonment; (ii) imposition of civil fines or penalties; and (iii) pursuit of injunctive relief or declaratory relief from a court of competent jurisdiction. Nothing stated in this paragraph shall prevent the Town from taking any lawful action that may be necessary for it to enforce or to remedy any violation of this Ordinance.

(b) Each violation of the ordinance is a separate infraction for which a separate penalty may be imposed. Violations of a continuing nature shall constitute a separate violation for each day such violation continues and a separate fine whether imposed pursuant to a misdemeanor prosecution, civil penalty, or otherwise, may be imposed for each day such violation continues or occurs.

(c) The Town’s law enforcement officers, or if Town law enforcement is unavailable, any on duty law enforcement officer responding to a situation at any of the Town parks or recreational facilities are authorized to remove an ordinance violator and their personal property from any Town park or recreational area. The enforcement officer(s) shall first warn the violator and request that the violator immediately leave the area with their personal property. A violator's failure to timely comply with the request shall constitute a trespass after warning which may be prosecuted in accordance with applicable criminal sanctions.

486 **PASSED** by the Town Council for the Town of Welaka on **FIRST READING** on the ____ day of
487 _____, 2022.

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491 **PASSED** by the Town Council for the Town of Welaka on **SECOND READING** on the ____ day
492 of _____, 2022.

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ATTEST:

SIGNED:

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Meghan E. Allmon, Town Clerk

Jamie D. Watts, Mayor

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Approved as to form:

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Patrick Kennedy, Town Attorney