

APPENDIX 5.
Pinellas County Ordinance 10-44



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

October 1, 2010

Mr. Chad M. Totten
Deputy Clerk
Board Records Department
Pinellas County Courthouse
315 Court Street, 5th floor
Clearwater, Florida 33756

Dear Mr. Totten:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated September 29, 2010 and certified copies of Pinellas County Ordinance Nos. 10-44 through 10-46, which were filed in this office on September 30, 2010.

As requested, one date stamped copy of each is being returned for your records.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

Enclosures

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BOARD OF
2010 OCT -6 AM 9:36
BOARD OF COUNTY
COMMISSIONERS
PINELLAS COUNTY FLORIDA

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ORDINANCE 10- 44

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE; REPEALING ARTICLES I, II & IV OF CHAPTER 90; RENAMING CHAPTER 90 "PARKS AND CONSERVATION RESOURCES;" CREATING SECTION 90-1 PROVIDING FOR THE PARKS AND CONSERVATION RESOURCES ADVISORY BOARD; CREATING SECTION 90-10 PROVIDING LEGISLATIVE PURPOSE; CREATING SECTION 90-20 PROVIDING DEFINITIONS; CREATING SECTION 90-30 PROVIDING FOR AREAS EMBRACED; CREATING SECTION 90-40 PROVIDING FOR VEHICLES AND TRAFFIC CONTROL; CREATING 90-50 PROVIDING FOR PROTECTION OF PROPERTY, FACILITIES, FLORA & FAUNA; CREATING SECTION 90-60 PROVIDING FOR ACTIVITIES WITHIN COUNTY-OWNED OR MANAGED LAND; CREATING SECTION 90-70 PROVIDING FOR RESTRICTIONS ON THE SALE OR CONVEYANCE OF REGIONAL PARK PROPERTY; CREATING SECTION 90-80 PROVIDING FOR PERMITS; CREATING SECTION 90-85 PROVIDING FOR ADVERTISING, PUBLICITY & SIGNS; CREATING SECTION 90-90 PROVIDING FOR RESIDENT PERSONNEL; CREATING SECTION 90-100 PROVIDING FOR EXEMPTIONS; CREATING SECTION 90-105 PROVIDING FOR SIGNAGE; CREATING SECTION 90-110 PROVIDING FOR ENFORCEMENT AND PENALTIES; CREATING SECTION 90-112 PROVIDING FOR IDENTIFICATION OF COUNTY-OWNED ENVIRONMENTAL LANDS SUBJECT TO CHARTER RESTRICTIONS; CREATING SECTION 90-113 PROVIDING FOR GROUP GATHERINGS, PERFORMANCES & SPEECHES; CREATING SECTION 90-114 PROVIDING FOR BOATING, DOCKS & LAUNCHING RAMPS; CREATING SECTION 90-116 PROVIDING FOR FEES AND REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS, Pinellas County's parks, public marinas, boat ramps, environmental lands, and Pinewood Cultural Park are all to be managed by the Pinellas County department of parks and conservation resources; and

WHEREAS, the Board of County Commissioners has determined that previously enacted Codes for Parks and Recreation, Environmental Lands, and Pinewood Cultural Park were substantially similar and in order to maximize efficiency and effectiveness, the Codes should be combined into a single Parks and Conservation Resources Code.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, THAT THE PINELLAS COUNTY CODE IS AMENDED AS FOLLOWS:

Section 1. Articles I, II, and IV of Chapter 90, including Sections 90-1 through 90-112 and Sections 90-160 through 90-178, of the Pinellas County Code are repealed and declared null and void and of no effect.

Section 2. Chapter 90 of the Pinellas County Code is to be titled "Parks and Conservation Resources."

Section 3. Article I of chapter 90 is created to read as follows:

Sec. 90-1. Parks and conservation resources advisory board.

(a) *Establishment; appointment; qualification; organization.*

(1) *Establishment.* There is hereby established in and for the county a board to be known as the "Pinellas County Parks and Conservation Resources Advisory Board." The board shall consist of eight members.

(2) *Appointment.* One member shall be a member of and nominated by the county youth advisory committee and appointed by the board of county commissioners. Of the seven remaining members, each county commissioner shall nominate one member without regard to political affiliation, and the members shall be appointed by the board of county commissioners. The term of office shall be one year and shall run concurrently with the term of the nominating commissioner, or in the case of the county youth advisory committee nominee from August 1 through July 31. Except in order to maintain concurrency of term, no member of the parks and conservation resources advisory board may be removed prior to the expiration of the member's term except by the board of county commissioners. The parks and conservation resources advisory board may request that the board of county commissioners remove a member of the board who misses 50 percent or more of the meetings scheduled in a year.

(3) *Qualification.* Each member's background, education and experience shall be such as to qualify said member to carry out the duties and responsibilities vested in the parks and conservation resources advisory board by this article. Members shall be appointed from the county at large. In selecting a new member of the parks and conservation resources advisory board, the board of county commissioners of the county shall consider the interest and knowledge of such prospective member in parks, environmental lands, and natural resources, including the ecological and economic benefits thereof.

(4) *Organization.* The parks and conservation resources advisory board shall elect annually one of its members as chair and one as vice-chair of the board, and may adopt rules and procedures for the conduct of its meetings. The parks and conservation

resources advisory board shall meet at least quarterly to conduct the business of the board, unless notified that there is no business to conduct as determined by the Chair.

(b) *Duties.* It shall be the duty of the parks and conservation resources board to assist the board of county commissioners, county administrator and the department by:

- (1) Reviewing and commenting on park or environmental lands plans and design.
- (2) Reviewing and commenting on park or environmental lands operations and procedures.
- (3) Participating in public education and ceremonial activities.
- (4) Hearing citizen comment on park or environmental lands related activities.
- (5) Formulating proposals and suggestions with the goal of improving the parks and environmental lands of the county.
- (6) Reviewing specific issues referred to the parks and conservation resources advisory board from the board of county commissioners.
- (7) Reviewing specific issues referred to the parks and conservation resources advisory board from the county administrator.
- (8) Communicating with the county administrator and the board of county commissioners on issues related to the duties of the parks and conservation resources advisory board.

(c) *Selection of director.* The chair of the parks and conservation resources advisory board or designee may participate in the selection process for the department director, including the interviews of director candidates with county staff.

Sec. 90-10. Legislative purpose.

The parks and conservation resources department has been established primarily for the management and protection of the county's parks, preserves, ecological management areas, special purpose areas and other designated department lands and waterways. It is desirous to acquire and protect such lands and waterways for their natural resources, biological diversity, ecological, hydrological, and open space significance to the county, scenic beauty, recreational value, and their potential for educating citizens and visitors. The objective of these regulations is to permit public use of parks, certain environmental lands and waterways consistent with their protection and management, as set forth in the county comprehensive plan and various management plans, as same may be amended from time to time.

Sec. 90-20. Definitions.

When used herein, the following definitions shall apply:

Activity means the doing of any act or the failure to do any act by a person.

Administrator means the county administrator for Pinellas County.

Adverse impact means actual or potential harm or injury to any property, wildlife or plant life or other natural resource within the county-owned or managed lands.

Board means the Pinellas County Board of County Commissioners.

Commercial activity means the sale, service or solicitation of goods, items, services, entertainment or amusement for a fee at any county-owned or managed land that is not offered by the department, or department or county-approved concessionaire, licensee, or permittee.

County means Pinellas County.

County-owned or managed lands means all parks, environmental lands, department managed facilities, and public marinas managed by the department.

Cultural/historic resources means any prehistoric or historic site, structure, object or other real or personal property of historical, architectural, or archaeological value as determined through criteria for designation contained in chapter 146 of the County Code.

Department means the department of parks and conservation resources.

Department managed facilities means all facilities other than parks, environmental lands, and public marinas managed by the department including, but not limited to, neighborhood parks, community parks, and other facilities managed by the department.

Department property means all areas, buildings, locations and facilities defined under the term "county-owned or managed lands."

Department roads means all surfaced areas ten feet wide or wider designated for vehicular traffic, and passing through any legally defined county-owned or managed land or any part thereof. All other traffic ways, either unpaved or paved are classified as trails or paths.

Department staff means those individuals employed by the department who perform official duties within the county-owned or managed lands.

Department waters means all waters located within the boundaries of county-owned or managed lands, or managed by the department.

Director means the director of the department.

Environmental lands means all preserves and management areas, including, but not limited to, the county-owned real property identified as environmental lands in section 90-112 of this article, and any real property leased, subleased, or licensed to the county and identified as environmental lands in the management plan for the individual preserve or management area.

Firearm means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

Law enforcement officer means any person who is elected, appointed, or employed full or part time by the state, the county, or municipality who is vested with the authority to bear arms and make arrests; and whose primary responsibility is the detection and prevention of crime, or the enforcement of the penal, criminal, traffic, or highway laws of the state or county.

Live-aboard means the occupancy of use of a watercraft by one or more persons, as a place of habitation, residence, living quarters or for dwelling purposes, temporarily or permanently, continuously or transiently.

Loud and raucous means any sound which because of its volume level, duration, and character, annoys, disturbs, injures, or endangers the comfort, health, peace or safety of reasonable persons of ordinary sensibilities within the limits of a county-owned or managed land. This term shall be limited to that noise which can be heard within any county-owned or managed land from a location not less than 50 feet from the source of the noise.

Management area means all environmental lands, including waterways, not designated as "preserve." Such lands shall be as referenced in the latest resolution of the board describing the legal boundaries of the particular management area. Properties designated as "management areas" generally do not have a public use component, depending upon the ecological impacts of such use.

Management plan means the management plan developed by the department, unique to each individual county-owned or managed land, as each such plan may be amended from time to time.

Nude, or any derivative thereof, shall mean to display or expose:

(1) The human male or female genitals or pubic area with less than fully-opaque covering;

(2) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering. This definition shall include the entire lower portion of the human female breast, including the areola and nipple, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; and

(3) For purposes of this definition, body paint, body dye, a tattoo, latex or any similar substances shall not be considered an opaque covering.

Ordinance means the parks and conservation resources ordinance; as same may be amended from time to time.

Parking area means any part of any county-owned or managed land road, or area contiguous thereto, specifically designated for the standing or stationing of any vehicle with appropriate signage.

Parks means regional parks and special purpose parks operated and maintained by the department, including Pinewood Cultural Park, but not including department managed facilities and public marinas as defined herein, which are under the control of or assigned for upkeep, maintenance or operation by the department.

Person means any individual including minors, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, estate, trust, business trust, syndicate, fiduciary, public or private corporation, and all other groups or combinations of groups.

Pet means any domesticated animal typically kept for companionship, protection, transportation or amusement, including wild animals licensed by state law for personal possession. Pet also includes domesticated species found in a feral, wild, or abandoned state. However, the term does not include certified service animals, specially trained for providing personal care services to the disabled.

Pinewood Cultural Park or park means the land and improvement comprising the Florida Botanical Gardens, Heritage Village, and the Gulf Coast Museum of Art, including trails, bridges, fields, museums, buildings, historic buildings and features, sculptures, ponds, streams, waterways, water areas, submerged lands, and shorelines therein and all public service facilities located on or in grounds, submerged lands, waters, buildings and structures which are under the control of or assigned for upkeep, maintenance or operation by Florida Botanical Gardens, Heritage Village, or the Gulf Coast Museum of Art, provided that to the extent there is any inconsistency with the lease agreement between the county and Florida Gulf Coast Art Center, Inc., dated November 18, 1997, as amended (the "lease"), the lease shall control and govern the use and operations of the Gulf Coast Museum of Art premises until said lease terminates as provided therein.

Pollution means the presence in the air, soil, or waters of any substance, noise, contaminant, or anthropogenic alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, biological diversity, or property, or that unreasonably interferes with the enjoyment of a preserve or management area.

Preserve means property managed by the department as referenced in the latest resolution of the board describing the legal boundaries of the particular preserve and includes all streams, canals, channels, lagoons, waterways, water areas, submerged lands, shorelines and beaches, as well as all structures and other facilities located within such boundaries. All preserves shall have a board approved management plan.

Public marina shall mean a county-owned facility which provides public moorings or dry storage for vessels on a rental basis, and is designated as a public marina by resolution of the board of county commissioners.

Regional parks means A.L. Anderson park, Boca Ciega Millennium park, Eagle Lake park, Fred Howard park, Fort DeSoto park, John Chestnut, Sr. park, John S. Taylor park, Lake Seminole park, Philippe park, Sand Key park, Walsingham park, Wall Springs park, and any other facility designated as a regional park by resolution of the board.

Special purpose parks means the Indian Rocks, Madeira Beach, Redington Shores, St. Pete Beach, and Tiki Gardens/Indian Shores beach access parks, the Sutherland Bayou Boat Ramp, the Fred Marquis Pinellas Trail, the Progress Energy Trail, the Belleair Boat Ramp, the Park Blvd. Boat Ramp, Pinewood Cultural Park, and any other facility designated as a special purpose park by resolution of the board.

Vehicle means any passengered conveyance (except a baby carriage or wheelchair) for the transportation of persons or material whether:

- (1) Powered or drawn by motor as an automobile, truck, bus, motorcycle, scooter, minibike, all terrain vehicle, golf cart, or trail bike;
- (2) Animal-drawn as a carriage, wagon or cart;
- (3) Rider propelled or motorized bicycle or tricycle;
- (4) Trailer in tow of any size, or description;
- (5) Watercraft of any type, including hovercrafts or similar vehicles;
- (6) Aircraft of any type.

Wildlife means any species living, growing, or occurring in a natural, nondomesticated state, including but not limited to animals.

Sec. 90-30. Areas embraced.

All county-owned or managed lands, including areas in unincorporated and incorporated areas of the county, shall be embraced by the provisions of this chapter, except where otherwise provided herein.

Sec. 90-40. Vehicles and traffic control.

(a) *Traffic control.* All persons shall observe and comply with posted traffic control devices and signs within all county-owned or managed lands.

(b) *Speed of vehicles.* Within any county-owned or managed land, no person shall operate a vehicle at a speed that is greater than reasonable or prudent, having due regard for the surface width and surface condition and the traffic thereon, particularly when near pedestrians, horses, bicyclists or other public-use trails. At no time shall speed exceed the posted speed limit or 25 miles per hour if no speed limit is posted.

(c) *Restriction to roads.* No person shall operate any vehicle within parks or environmental lands except on areas approved for vehicular use.

(d) *Parking.* All vehicles shall be parked only in designated parking areas or in such other areas and at such other times as may be authorized by appropriate signage.

(e) *Bicycles.* Bicycles shall only be ridden on roads and trails designated for bicycle traffic within parks and environmental lands. Where provided, bicycle racks must be used for the parking of bicycles. Bicycles shall not be chained or locked to trees, any other plant life or structures, or placed so as to obstruct pedestrian or vehicular movement.

(f) *Entering county-owned or managed lands.* Any person entering or leaving a county-owned or managed land, whether by foot or vehicle, shall do so solely through designated entry and exit points. No vehicle, except as authorized by the staff of the department, shall enter or park in any county-owned or managed land until the required fee, if any, has been paid.

(g) *Vehicle emergencies.* In case of emergency requiring a vehicle to stop or park in an unauthorized location, the driver must immediately report to a county employee or volunteer to receive an exemption from this section.

(h) *Trucks.* No truck, commercial vehicle, or bus of any type shall be driven on any restricted park roads or county-owned or managed property without authorization from the department for the purpose of work, service or activities. Those trucks and buses used for transporting persons to a county-owned or managed land for any approved purposes will be afforded use of ingress and egress upon instruction by the department staff.

(i) *Soliciting rides or fares.* No pedestrian shall solicit rides from any driver nor shall any driver of any vehicle solicit riders for money or fares, in any county-owned or managed land unless authorized by the director.

(j) *Miscellaneous motorized vehicles.* No unauthorized person shall operate any motorized scooter, motorized skateboards, go-cart, all-terrain vehicle, golf cart or electric cart in any parks or environmental lands. No electric or motorized toy vehicles are allowed on county-owned or

managed lands, except in prescribed areas. The prohibitions herein shall not apply to an electric personal assistive mobility device to the extent authorized by state law.

Sec. 90-50. Protection of property, facilities, flora and fauna.

(a) *Buildings and facilities.* No person shall engage in any of the following activities on any county-owned or managed land without prior written authorization from the administrator or designee:

- (1) willfully mark, deface, damage, displace, destroy, remove, or tamper with any buildings, facilities, bridges, piers, tables, benches, railings, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards, or notices, monuments, stakes, posts, gateways, locks, fencing, boundary markers, or other structures, equipment or county property;
- (2) use any county-owned or managed land or related facility, including but not limited to buildings, bridges, piers, tables, benches, or railings in a manner that precludes regular and customary usage to other patrons, unless such person has obtained the right to exclusive usage from the department;
- (3) fix, tie, chain, or hitch any hammock, line, sports net, bicycle or banner to any sign pole, boardwalk rail, bench, fence or similar structure within any county-owned or managed land unless otherwise designated for such use;
- (4) construct or erect any buildings or structures of whatever kind whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands;
- (5) use tacks, nails, staples, or other items that penetrate wood on shelters, signs, trees, or other structure;
- (6) enter, occupy, or use in any manner any lifeguard stand or station, or any lifeguard vessel, surfboard, or other lifesaving equipment at any time; or
- (7) climb on or over any buildings or facilities, fences, structures, or historic ruins, or boardwalk and bridge railings unless expressly permitted under section 90-80, nor shall any person stand or sit on any structure not intended for such use.

(b) *Plant life.* All plant life living or dead terrestrial, aquatic, and epiphytic species, within any county-owned or managed land is either the property of the county or is property managed by the county. No person shall engage in any of the following activities on any county-owned or managed land without prior written authorization from the administrator or designee:

- (1) cut, carve, nail into, or otherwise damage the bark, or break off limbs or branches or mutilate in any way, or harvest the flowers or seeds of any plant or tree, except by special permit or within designated special use areas;
 - (2) dig in, disturb, or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant, or climb, or attach any rope, wire, wooden boards, or ladders thereto, except by special permit or within designated special use areas;
 - (3) transplant, possess, or remove any plant or plant part from any county-owned or managed land, except by special permit, nor shall any person introduce any plant species by willful act, negligence, or for any other reason; or
 - (4) fix, tie, chain, or hitch any animal, vehicle, or bicycle to any tree or other plant life, sign pole, boardwalk rail, bench, fence or similar structure within any county-owned or managed land unless otherwise designated for such use.
- (c) *Wildlife.* No person shall engage in any of the following activities on any county-owned or managed land without prior written authorization from the administrator or designee:
- (1) possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw any object at any wildlife within the boundaries of any county-owned or managed land; nor shall any person remove the eggs, nest, or young of any wildlife within the boundaries of any county-owned or managed land; nor shall any person collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen, dead or alive of any wildlife from within the boundaries of any county-owned or managed lands, except by special permit granted by the department or in accordance with a valid fishing permit issued by the state. However, this prohibition shall not apply to de minimus collection or removal, such as incidental collection of shells or bait fish;
 - (2) feed or attempt to pet any wildlife;
 - (3) remove live shells; provided however that dead shell collection is permitted, except at archaeological sites, on a county or state historic site, on a site listed with the National Registry of Historic Places, or other sites as designated by the administrator or designee; or
 - (4) introduce any pet, plant or other wildlife into any county-owned or managed land by willful abandonment, negligence, or for any other reason.
- (d) *Historic artifacts.* No person shall, without prior written authorization from the administrator or his designee, willfully mark, deface, damage, displace, destroy, excavate, disturb, remove, or tamper with any historic or prehistoric artifact, bone, shell, or geological specimen on any county-owned or managed land, nor shall any person attempt any such activity, except by special permission granted by the department;

(e) *Sand and Soil.* No person shall, without prior written authorization from the administrator or his designee, on any county-owned or managed land:

- (1) move or remove any property such as any beach sand, whether submerged or not, or any soil, rock, stones, down timber or other wood or materials; or
- (2) make any search or excavation by tool, equipment, blasting, or other means or agency.

Sec. 90-60. Activities within county-owned or managed lands.

(a) *Hiking.* Walking, running, jogging, and/or hiking is permitted only along trails or pathways or areas specifically designated for such use or uses and during posted hours.

(b) *Public use.* The department reserves the right to limit public access to any county-owned or managed land when deemed necessary or when public use is deemed a disturbance to any county-owned or managed land or wildlife. No person shall loiter in or around any restroom, dressing room, bathhouse, or parking lot in any county-owned or managed land.

(c) *Horseback riding.* Horseback riding is permitted only along trails or in areas specifically designated for such use. Horses shall be thoroughly broken, properly restrained, and ridden with due care. Horses shall not be allowed to graze or go unattended and must be on a lead at all times. Horses may only be hitched to hitching posts clearly identified for such use. No horse-drawn carriages, carts or wagons shall be allowed or used within any county-owned or managed land.

(d) *Fires.* No person shall ignite or attempt to ignite a fire, except for campfires in areas designated for such use. Campfires or any other open burning, even in approved areas, may be prohibited when deemed necessary by the department or by restrictions mandated by state or federal agencies. No person shall build or light any fire upon the ground, or on any other object in any area except in a grill, stove, fireplace, or designated fire circle, nor use any type of gasoline, kerosene, or diesel fuel as an accelerant to start a fire in a grill, nor shall any person starting a fire leave the area without completely extinguishing the fire, nor use a grill or other device in such a manner as to burn, char, or blemish any bench, table, or other property, nor dispose of hot coals anywhere except in designated areas. No person shall dispose of any burning matches, smoking materials or other flammable materials except in designated receptacles.

(e) *Smoking.* Smoking may be prohibited by the department, in its sole discretion, when necessary for fire prevention purposes. No person shall dispose of any burning matches, smoking materials or other flammable materials except in designated receptacles. Smoking is prohibited in environmental lands except in designated areas.

(f) *Camping.*

- (1) Camping is strictly prohibited at all times unless specifically permitted by the department as set forth below. When permitted, camping shall be limited to those areas specifically designated for such use. Campers shall obey all rules and regulations.
- (2) Campers must obtain a permit and copies of the rules and regulations from the department prior to camping. Campers must have a valid permit and a valid picture identification card while camping. It shall be unlawful for any person to camp on any county-owned or managed land for a period of time in excess of 14 days in a 30-day period.
- (3) All waste shall be placed in disposal containers where provided. Where no disposal containers are provided, or where the containers provided are full, all waste shall be carried away by the user of the camping area and properly disposed of outside of the county-owned or managed land.
- (4) Tents shall be stand-alone type and may not be attached to trees or any other vegetation or structure with any guy wire, rope, extension brace, support, fastener or any other device.

(g) *Fishing.* Fishing is prohibited except where permitted in those public areas designated for such activity. Persons fishing shall obey all state and federal laws pertaining to fishing as well as any posted rules and regulations. Fishing is prohibited from beaches in any area where bathing and swimming are permitted. No person shall leave the area without disposing of unwanted fish and bait on piers, catwalks, or other areas where fishing is authorized.

(h) *Bathing and Swimming.* Swimming, bathing or wading is prohibited except in those public areas designated for such activity. Further, no person shall engage in the following activities in any county-owned or managed land:

- (1) swim or bathe in any waters after dark, or in any beaches or waters closed to the public;
- (2) the use of soap or other cleansers, in any swimming area or any other public waters, including but not limited to beaches, storm water facilities, lakes or streams.
- (3) the erection of any tent, shelter, or structure on or in any beach, bathing, or wading area in such a manner that a guy wire, rope, extension, brace or support connected or fastened from any such structure to any other structure, stake, rock, or other object is necessary, nor shall any other such structure, tent or shelter lack an unobstructed view of the interior from at least two sides.

- (4) possess, carry, or transport any glassware, bottles, or any other potentially dangerous or sharp objects into any beach, bathing, wading, or swimming pool areas.

(i) *Picnicking.*

- (1) Use of park and environmental lands property, including picnic shelters, tables and benches generally follows the rule of first-come, first-served. However, this practice shall not preclude the department from assigning or reserving these facilities for the use of particular persons or groups. Picnicking is permitted only in areas specifically designated for such use.
- (2) All refuse, waste, and trash shall be placed in disposal containers where provided in all county-owned and managed lands. Where no disposal containers are provided, or where the containers provided are full, all refuse shall be carried away by the user of the picnic facility and properly disposed of outside of the county-owned or managed land. No person shall dispose of trash or garbage generated outside county-owned or managed lands in any refuse facility within a county-owned or managed land, with the exception of disposing of recyclable materials in recycling containers provided by the county.

(j) *Audio devices.* Radios, tape players, electronic musical instruments and all other audio devices are permitted so long as they are played at volume levels that do not disturb, annoy, injure, or endanger the comfort, health, peace, or safety of the wildlife or reasonable persons of ordinary sensibilities or unnecessarily detract from a peaceful atmosphere. Such noise shall not be heard within any county-owned or managed land from a location more than 50 feet from the source of the noise, unless a special permit has been issued for such use.

(k) *Nudity.* It shall be unlawful for any person over the age of four years old to appear nude in any county-owned or managed land, including but not limited to, appearing nude to sunbathe, subject to the exemptions listed below:

- (1) In a restroom, locker or shower facility, provided that no person over the age of six shall occupy or enter any restroom, dressing room, bathhouse, or other structures which are reserved or designated by the department for the exclusive use of the opposite sex without adult supervision.
- (2) In a privately owned, fully-enclosed, temporary dwelling used for camping at camp sites;
- (3) When the conduct of being nude cannot constitutionally be prohibited by county ordinance because it is otherwise protected pursuant to the United States Constitution or the Florida Constitution under existing judicial decisions;

- (4) When a mother is breast-feeding her baby, and then only the extent reasonably necessary to allow breast-feeding.

(l) *Commercial Activity.* No person, or organization other than the department or regularly licensed concessionaries acting by and under the authority of the county shall offer for sale, rent, or trade, any article, or station or place any stand, cart, or vehicle, for the transportation, sale or display of any article of merchandise within the limits of any county-owned or managed land. No persons shall tell fortunes or foretell futures for compensation in any county-owned or managed land.

(m) *Hunting and weapons.* No person shall carry, use or possess weapons of any description, including, but not limited to, air rifles, firearms, spring guns, bows and arrows, paint guns, water cannons, bb guns, slingshots, boomerangs, or any other form of weapon harmful or dangerous to wildlife or dangerous to human safety on or in any county-owned or managed land except at and in accordance with the rules and regulations as a participant in a program approved by the board of county commissioners, unless authorized by law.

(n) *Toy and replica firearms, fireworks, long bows, cross bows, compound bows, and explosives.* No person shall have in his or her possession nor shall any person discharge any toy or replica firearm, air-rifle, air-gun, toy cannon, fireworks, long bow, cross bow, compound bow, explosive, sling shot, or any toy or instrument that discharges projectiles either by air, elastic, explosive substance, or any other force within any county-owned or managed land. Parents or guardians will be held strictly responsible and accountable for the actions of minors with regard to the prohibitions in this and other subsections.

(o) *Alcoholic beverages.* Possession or consumption of alcoholic beverages within any county-owned or managed land is prohibited, except that possession is permitted at county boat ramp facilities and possession and consumption are permitted at public marinas. This prohibition may be waived if:

- (1) The county has approved a contract or issued a permit which by its terms allows the sale and/or consumption of alcoholic beverages in a specified area or place;
- (2) The board by resolution has temporarily waived the prohibition of subsection (1) above for a special event or activity in a specified area or place.

(p) *Pets.*

- (1) No pets, except horses accessing and utilizing trails designated for horseback riding, are permitted in any environmental land
- (2) Within parks, department managed facilities, and public marinas, pets, including but not limited to birds, ferrets, pot-bellied pigs, monkeys, and

snakes, shall be caged or on an adequate leash not greater than six feet in length. Pets shall not be left unattended or off of a leash except in designated areas posted by signage. No pets are permitted in any playgrounds, swimming areas, beaches (except for designated dog beaches), boardwalks, bathrooms, showers, any place where food and drinks are sold or consumed, and any other areas as designated by the county administrator or designee.

- (3) No livestock or class I, II, or III exotic wildlife, as defined by Florida Statute, shall be permitted in any county-owned or managed land unless expressly authorized by the administrator or designee.
 - (4) The owner or person in charge or in control of the pet shall remove all feces deposited by such animal and dispose of same in a sanitary manner.
 - (5) The owner or person in charge or in control of the pet shall be held at all times responsible for its behavior and actions.
 - (6) Where permitted, pets must be confined to designated areas or trails. Those persons in possession or control of domestic animals within any county-owned or managed land shall obey all county ordinances including, but not limited to, chapter 14 of this Code, as same may be amended from time to time.
- (q) *Gambling.* No person shall engage in any form of gambling as prohibited by state law.
- (r) *Pollution.* Any act resulting in pollution is prohibited, including, but not limited to the use of fountains, ponds, lakes, streams, bays or any other bodies of water adjacent to or within county-owned or managed lands, or the tributaries, storm sewers or drains flowing into them as dumping places for any substance, including fuel, which will or may result in the pollution of said waters.
- (s) *Metal Detectors.* The use of metal detectors is prohibited except in designated areas.
- (t) *Aircraft.* No person operating, directing, or responsible for any airplane, helicopter, glider, hang glider, hot air balloon, dirigible, parachute or other aerial apparatus will take off from or land in or on any county-owned or managed land or waterway, except when human life is endangered or written permission has been obtained from the director.
- (u) *Miscellaneous.* No person shall engage in any activity within any county-owned or managed land that is dangerous to the health, safety or welfare of any person or that would cause damage to the property of other patrons or county-owned or managed lands, including, but not limited to, hitting golf balls, racing or speeding in a dangerous manner, and diving or jumping from bridges or catwalks. Nor shall any person engage in any activity within any county-owned or managed land that interferes with the use and enjoyment of the county-owned or managed

land and its facilities by other patrons. No person shall use roller skates, roller blades, in-line skates or skateboards in county-owned or managed lands, except in areas specially designed for such activities by the department. No person shall possess helium-filled balloons in county-owned or managed lands, except in enclosed buildings; provided the helium balloons shall be properly secured when bringing balloons into and out of enclosed buildings.

(v) No person shall dispose of cremated remains within any county-owned or managed land.

(w) No person shall change any parts, repair, wash, grease, or perform other maintenance on a vehicle on any park roadway, parkway, driveway, parking lot, or other property, except in emergencies; provided waxing and polishing is permitted if it is in an area open to vehicles and does not interfere with other activities or traffic flow.

Sec. 90-70. Restrictions on the sale or conveyance of regional park property.

Except as otherwise permitted by subsections (1) and (2) herein, the county shall not sell, convey or transfer any fee simple interest in any county-owned regional park property, or portion thereof, or lease or license any regional park property for a period of longer than ten (10) years, to any other person unless approved by resolution adopted by at least a majority vote plus one of the board of county commissioners at a public hearing advertised in accordance with the requirements of Section 125.66(2)(a), Florida Statutes; provided that the requirements for a public hearing and a super majority vote shall not apply to:

(a) the exchange of regional park property for reasonably equivalent regional park property when it is deemed to be in the best interests of the public as determined by board of county commissioners and the requirements of Section 125.37, Florida Statutes, are satisfied; and

(b) the sale, transfer, conveyance or dedication of regional park property to another governmental unit for a public purpose in accordance with the requirements of Section 125.38, Florida Statutes.

Sec. 90-80. Permits.

(a) *Permit required.* A parks and conservation resources permit, issued by the department, is required before a person may engage in certain activities, which are listed below, in any parks or environmental lands. Application forms may be obtained from the department. This permit does not relieve the applicant from the permit requirements of section 10-26 et seq. of this Code.

(b) *Activities requiring a permit.* Activities for which permit applications must be submitted include, but are not limited to, any of the following:

- (1) Scientific research including, but not limited to, biological assays, species identification or collection, species observation, archaeological survey and hydrological, geological, or chemical studies. This does not include such activities as visual observation of wildlife or vegetation within public areas.

- (2) Group nature activities either prior to or after the posted hours of operation, or that require access to restricted areas not open to the public.
 - (3) All commercial photography, television broadcasting, and all private photography involving special settings or structures or the performance of any person. An additional film permit may be required as issued by the St. Petersburg/Clearwater film commission. Permits will not be required for bona fide newspaper, press association, newsreel and/or television news department personnel, identified by press cards, or passes, and assigned their respective editors to make photographs for use of such communications media, will be regarded as persons performing a task involving the freedom of the press as set forth in the constitution of the United States and, accordingly, will not be restricted by this subsection.
 - (4) All group activities involving 50 or more persons.
 - (5) Any special events as provided by departmental regulations
- (c) *Transferability.* Permits are not transferable and may only be utilized by those persons to whom the permit was issued.
- (d) *Revocation.* Any permit issued pursuant to this section may be revoked for failure to comply with any condition imposed on the permit or for inconsistency with the criteria set forth in subsection (c).
- (e) *No entitlement to permit.* Because of the proprietary nature of the parks and environmental lands, this section does not create any right or entitlement to a permit.

Sec. 90-85. Advertising, publicity and signs.

- (a) No person shall use county-owned or managed lands for the purpose of advertising or calling attention to any article or service for sale or for hire, nor shall any signs, slogans, loudspeakers or advertising display of any nature whatsoever be used for such purposes. No person shall place or station on any county-owned or managed lands any vehicle whatsoever displaying any such advertising intent of advertising or used for such purposes herein mentioned.
- (b) No person shall display, distribute, post or fix any banner, sign, handbill, pamphlet, circular, placard, or any other printed matter containing commercial advertising on any county-owned or managed land, unless approved by the director.
- (c) Nothing in this section shall be deemed to preclude the county from entering into a sponsorship agreement with commercial or noncommercial entities.

Sec. 90-90. Resident personnel.

It is hereby acknowledged that it may be necessary for certain persons to have their primary residences within boundaries of county-owned or managed lands as authorized by the

board or county administrator or to receive temporary permission to reside within the same pursuant to written approval from the department. Such personnel and their families and guests are exempted from the regulations and prohibitions of sections 90-60, 90-80, and 90-85 of this Code while said persons are within the boundaries of the primary residence as defined by the residential lease or residential license agreement between said personnel and the county, or within the temporary residence. At all times, however, resident persons remain subject to all applicable state laws, other county ordinances, and the terms and conditions of the lease, license, or permit while within the residence.

Sec. 90-100. Exemptions.

Any person performing duties authorized by the board or the county administrator or his or her designee, while performing duties pursuant to this article or other law or within his or her official capacity, is hereby exempted from all prohibitions and restrictions of this article. However, all such persons shall comply with any and all other applicable federal, state or local laws.

Sec. 90-105. Signage.

All temporary and/or permanent signs installed by the County must be obeyed. No person shall engage in activities other than those prescribed in certain areas set aside and posted for such purposes. For example, in areas set aside for boating, swimming is prohibited; in areas set aside for swimming, boating and personal (motorized) watercraft are prohibited.

Sec. 90-110. Enforcement and penalties.

- (a) It shall be a violation of this article for any person to fail to comply with any prohibition, mandate, restriction or other declaration set forth herein.
- (b) All provisions of this article may be enforced by all authorized law enforcement officers, and all personnel authorized by the county administrator or his or her designee.
- (c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this article shall be punished by a fine not to exceed \$500.00. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.
- (d) In addition to the penalties provided in subsection (b) of this section, any person or persons convicted of violating any provisions of this article may be liable for civil penalties or damages to the county in accordance with the county environmental enforcement act.
- (e) All damages and civil penalties collected as a result of any violation of this article shall be deposited in the environmental lands trust fund as created by the board.

Sec. 90-112. Identification of county-owned environmental lands subject to Charter restrictions.

County-owned environmental lands in the following preserves and management areas are hereby designated as environmental lands subject to the provisions of Section 2.08, Pinellas County Charter, as further described in the maps appended to Ordinance No. 08-46 and as Appendix C to this Code:

- (1) Allen's Creek Management Area.
- (2) Alligator Lake Management Area.
- (3) Anclote Islands Management Area.
- (4) Brooker Creek Preserve.
- (5) Cabbage Key Management Area.
- (6) Cow Branch Management Area.
- (7) East Lake Management Area.
- (8) Joe's Creek Management Area.
- (9) King Islands Management Area.
- (10) Lake Seminole Management Area.
- (11) Lake Tarpon Management Area.
- (12) Lake Tarpon West Management Area.
- (13) Long Branch Management Area.
- (14) Mariner's Point Management Area.
- (15) Mobbly Bayou Preserve.
- (16) Ozona Management Area.
- (17) Shell Key Preserve.
- (18) Travatine Island Management Area.
- (19) Weedon Island Preserve.

Sec. 90-113. Group gatherings, performances and speeches.

The board of county commissioners shall have the authority to designate certain county-owned or managed land or portion of county-owned or managed lands which will be available for any public demonstrations, gatherings, performances and speeches which, due to the size of the group, will interfere with the use of the county-owned or managed land by the general public. Such group shall give notice to the county in advance of their intended use of the county-owned or managed land.

Sec. 90-114. Boating, docks and launching ramps.

(a) No person shall bring into or operate any vessel or other watercraft on any county-owned or managed water, lakes, canals, rivers, or ponds other than those so designated for such use or purpose by the county administrator or applicable state law.

(b) All persons navigating or operating a motor equipped vessel or other watercraft in county-owned or managed waters shall comply with all established speed regulations, U.S. Coast Guard navigation regulations, environmental regulations, and any other applicable county ordinance.

(c) No motor equipped vessel shall operate nor shall any person engage in water skiing in county-owned or managed waters within 200 feet of areas where bathers and swimmers are present.

(d) No person other than a concessionaire contracted by the board of county commissioners to operate county-owned or managed property shall be permitted to rent, hire, or operate for charge, any kind of vessel or watercraft, whether powered or not, on any county-owned or managed waters.

(e) The department may regulate the operational activities of combustion engines and non-combustion engines as to motor size and type of vessels within county-owned or managed waters, streams, and canals.

(f) The following standards shall apply to the use of docks, launching ramps, and boat and vessel use in county-owned or managed waters, streams and canals:

- (1) Docks and ramps must be kept clear of all equipment or gear.
- (2) No refuse, trash, oil or bilge water shall be thrown or pumped overboard within county-owned or managed waters.
- (3) Sanitary facilities on vessels which discharge overboard must not be used while vessels are within the county-owned or managed waters.
- (4) Overnight dwelling on vessels docked or moored to park property or within park waters is prohibited except in areas so designated.
- (5) No person shall moor a watercraft within any area designated as a county-owned or managed land for a period of time in excess of 14 days in any 30-day period.

- (6) Boats operating in park waters must obey with the provisions in this section and in the United States Coast Guard navigation rules and any other applicable county ordinances.
 - (7) Any defacement or damage of piers or of dock property must be repaired or corrected at the expense of the person or persons responsible for such defacement or damage.
 - (8) Docking and mooring facilities shall not be used for commercial purposes. No person shall use or occupy any docking or mooring space for an unreasonable amount of time, not to exceed 30 minutes, to the exclusion of other park patrons.
 - (9) Fuel containers shall only be used while refueling boats or vessels, and no fuel containers of any type shall be left unattended.
 - (10) Boats shall not be operated in such a manner as to molest or harm wildlife or to cause damage to aquatic life, substrate or county property.
- (g) All persons must use the designated boat ramp areas and must abide by such regulations of the department.

Sec. 90-116. Fees; regulations

- (a) The department is authorized and directed to charge fees, including parking, entrance, user, or other fees, for activities on, or use of, county-owned or managed land as established by resolution of the board.
- (b) The department shall have the authority to adopt regulations relating to the use of county-owned or managed lands.

Section 4. Severability.

If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

Section 5. Inclusion in the Pinellas County Code

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 6. Filing of Ordinance: Effective Date.

Pursuant to section 125.66, Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Pinellas County, Florida, on this the 28th day of September, 2010.

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Ordinance jcc 091310.doc

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By 
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on September 28, 2010 relative to:

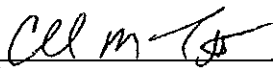
ORDINANCE 10- 44

AN ORDINANCE OF THE COUNTY OF PINELLAS AMENDING THE PINELLAS COUNTY CODE; REPEALING ARTICLES I, II & IV OF CHAPTER 90; RENAMING CHAPTER 90 "PARKS AND CONSERVATION RESOURCES;" CREATING SECTION 90-1 PROVIDING FOR THE PARKS AND CONSERVATION RESOURCES ADVISORY BOARD; CREATING SECTION 90-10 PROVIDING LEGISLATIVE PURPOSE; CREATING SECTION 90-20 PROVIDING DEFINITIONS; CREATING SECTION 90-30 PROVIDING FOR AREAS EMBRACED; CREATING SECTION 90-40 PROVIDING FOR VEHICLES AND TRAFFIC CONTROL; CREATING 90-50 PROVIDING FOR PROTECTION OF PROPERTY, FACILITIES, FLORA & FAUNA; CREATING SECTION 90-60 PROVIDING FOR ACTIVITIES WITHIN COUNTY-OWNED OR MANAGED LAND; CREATING SECTION 90-70 PROVIDING FOR RESTRICTIONS ON THE SALE OR CONVEYANCE OF REGIONAL PARK PROPERTY; CREATING SECTION 90-80 PROVIDING FOR PERMITS; CREATING SECTION 90-85 PROVIDING FOR ADVERTISING, PUBLICITY & SIGNS; CREATING SECTION 90-90 PROVIDING FOR RESIDENT PERSONNEL; CREATING SECTION 90-100 PROVIDING FOR EXEMPTIONS; CREATING SECTION 90-105 PROVIDING FOR SIGNAGE; CREATING SECTION 90-110 PROVIDING FOR ENFORCEMENT AND PENALTIES; CREATING SECTION 90-112 PROVIDING FOR IDENTIFICATION OF COUNTY-OWNED ENVIRONMENTAL LANDS SUBJECT TO CHARTER RESTRICTIONS; CREATING SECTION 90-113 PROVIDING FOR GROUP GATHERINGS, PERFORMANCES & SPEECHES; CREATING SECTION 90-114 PROVIDING FOR BOATING, DOCKS & LAUNCHING RAMPS; CREATING SECTION 90-116 PROVIDING FOR FEES AND REGULATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this September 29, 2010.

KEN BURKE
Clerk of the Circuit Court
and Ex-officio Clerk to the
Board of County Commissioners

By:


Chad M. Totten, Deputy Clerk

