

## Chapter 90 PARKS AND CONSERVATION RESOURCES<sup>1</sup>

### ARTICLE I. IN GENERAL<sup>2</sup>

#### 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" consisting of ten 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 nine 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 and two members with experience in environmental science and/or policy shall be appointed by the board of county commissioners. The term of office shall be ~~one~~two years and shall run concurrently with the term of the nominating commissioner, or, in the case of the county youth advisory committee and environmental science/policy nominees, 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 parks and conservation resources advisory 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.

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<sup>1</sup>Charter reference(s)—General powers of county, § 2.01.

Cross reference(s)—Amusements and entertainments, ch. 10; game and fish, § 14-86 et seq.; aquatic preserves, § 58-366 et seq.; equine riding and seagrass damage, 58-400 et seq.; greater Seminole area special recreation district, § 114-171 et seq.; waterways, ch. 130.

State law reference(s)—General powers of chartered counties, Fla. Const. art. VIII, § 1(g); authority of board of county commissioners to provide for parks, F.S. § 125.01(1)(f).

<sup>2</sup>Editor's note(s)—Ord. No. 16-40, §§ 1—20, adopted July 19, 2016, amended art. I, §§ 90-1—90-116, in its entirety to read as herein set out, including the removal of several reserved sections and renumbering and amendment of existing sections. Prior legislative history has been retained in the history notes following sections. Former § 90-105, pertaining to signage, was repealed entirely by § 13 of said ordinance, and derived from Ord. No. 10-44, § 1, adopted Sept. 28, 2010. See the Code Comparative Table for complete derivation.

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

*Beach* means the zone of unconsolidated material that extends landward from the mean high-water line to the place where there is marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves.

*Bicycle* means a transportation device composed of a single frame and wheels usually propelled by pedals and steered with handlebars, including passenger bicycles and Class 1, 2 & 3 electric bicycles as defined in F.S. § 316.003(23), as may be amended from time to time; for purposes of this article, "bicycle" does not include a motorized bicycle regardless of speed capabilities.

*Board* means the Pinellas County Board of County Commissioners.

*Boardwalk* means an elevated walkway structure across sand or marshy ground.

*Bounce house* means a temporarily inflatable structure of any size that people jump in or on.

*Citizen support organization* means a not-for-profit corporation incorporated pursuant to the provisions of F.S. ch. 617, as may be amended, and approved by the department of state that is organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; and make expenditures for the benefit of the department and/or any county-owned or managed land.

*Code* means the Pinellas County Code and the Pinellas County Land Development Code.

*Commercial activity* means a transaction for the sale, barter, or other exchange of value; for goods, items, services, entertainment, or amusement, where any part of the transaction, including but not limited to the offer of sale, negotiation, agreement to sell, transfer of consideration, or the transfer, delivery, or performance of the goods, items, service, entertainment, or amusement occurs in any county-owned or managed land. Exchange of consideration for performance of a commercial activity, such as a payment, fee, coupon, or ticket, does not need to occur in a county-owned or managed land if any part of the activity is performed in a county-owned or managed land.

*County* means Pinellas County.

*County-owned or managed lands* means all parks, environmental lands, department-managed facilities, and public marinas owned by the county or managed by the department. County-owned or managed lands include all submerged lands owned by the county and waters managed by the department located within the boundaries of county-owned or managed lands.

*Cultural resource* 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 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.

*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 90-14 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.

*Historic or prehistoric artifact* means material remains of past human life of archaeological interest over 50 years old, including but not limited to pottery, basketry, bottles, weapons, and tools.

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*Large group* means a gathering of a group exceeding 50 people that does not include a special event permit and/or an accompanying picnic shelter reservation.

*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 or 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.

*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 an individual county-owned or managed land, as each such plan may be amended from time to time.

*Motorized* means motive power is generated by the burning of gasoline, oil, or other fuel by an internal combustion engine or other mechanism

*Nude*, or any derivative thereof, means 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.

*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 owned, operated, and maintained by the department, 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. "Pet" also includes domesticated species found in a feral, wild, or abandoned state, including but not limited to birds, ferrets, pot-bellied pigs, monkeys, and snakes. However, the term does not include service animals, as defined by the Americans with Disabilities Act, as may hereafter be amended, and F.S. § 413.08, as may be hereafter amended.

*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, animal or plant life, or property, or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

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*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* means the Belle Harbour Marina, and any other 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.

*Regional parks* means A.L. Anderson Park, Boca Ciega Millennium Park, Eagle Lake Park, Fred Howard Park, Fort De Soto Park, John Chesnut, Sr. Park, John S. Taylor Park, Lake Seminole Park, Philippe Park, Ridgecrest Park, Sand Key Park, Sawgrass Lake Park, Wall Springs Park, Walsingham Park, War Veterans' Memorial Park, and any other facility designated as a regional park by resolution of the board.

*Special event* means any organized event or activity involving the use of or having a significant impact upon a county-owned or managed land, where the general public is invited to participate or be a spectator, including but not limited to races, tournaments, demonstrations, or festivals. A "musical or entertainment festival" as defined in section 10-26 of the Code involving the use of or having a significant impact upon a county-owned or managed land shall require separate permits under chapter 10, article II and this article.

*Special purpose parks* means Indian Rocks Beach Access Park, Madeira Beach Access Park, Redington Shores Beach Access Park, St. Pete Beach Access Park, Tiki Gardens/Indian Shores Beach Access Park, Belleair Causeway Boat Ramp, Park Blvd. Boat Ramp, Sutherland Bayou Boat Ramp, Fred Marquis Pinellas Trail, Duke Energy Trail, Florida Botanical Gardens, Heritage Village, Joe's Creek Greenway, Leach Park, Lealman Park, Live Oak Park, Ochs Park, Pinewood Cultural Park, and any other site or facility designated as a special purpose park by resolution of the board.

*Vehicle* means any passengered conveyance powered or drawn by motor for the transportation of persons or material, including but not limited to: automobiles, trucks, buses, motorcycles, motorized bicycles regardless of speed ability, scooters, minibikes, all-terrain vehicles, golf carts, or trail bikes, as well as trailers and vessel in tow of any size or description. "Vehicle" does not include an electric personal assistive mobility device as defined in F.S. § 316.003(2483), as may be amended from time to time.

*Vessel* means every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

*Volunteer* means either an event volunteer, who agrees to participate either individually or as member of a group for a single event, or a long-term volunteer, who agrees to participate on an ongoing basis. An event volunteer registers and signs a county waiver of liability form; a long-term volunteer has passed a national background check, completed the county volunteer orientation, either in person or online, and has signed a county agreement to adhere to county policies and procedures for volunteering with the county.

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

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 3, 7-19-16)

#### **Sec. 90-4. 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 article, except where otherwise provided herein.

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 4, 7-19-16)

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- (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, 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) Construct, erect, or place any buildings, monuments, memorials, plaques, tributes, 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;
  - (4) Use tacks, nails, staples, or other items that penetrate wood on shelters, signs, trees, boardwalks, or other structures;
  - (5) Enter, occupy, or use in any manner any lifeguard stand or station, lifeguard vessel or surfboard, or other lifesaving equipment at any time;
  - (6) Climb on or over and/or suspend from any buildings, facilities, fences, benches, picnic tables, structures, historic ruins, or boardwalk and bridge railings; nor shall any person stand or sit on any structure not intended for such use;
  - (7) 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; or
  - (8) Possess food on or within any boardwalk, observation tower, or designated dog park.
- (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, break off, nail into, or otherwise damage bark, limbs, or branches of any plant or tree, except within designated special use areas; nor shall any person harvest any flowers or seeds or otherwise mutilate a plant or tree, except within designated special use areas;
  - (2) Dig in, disturb, or in any other way impair the natural condition of any area, except within designated special use areas; 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, unless attached to trees that are a minimum of 12 inches in diameter measured at chest height and using a minimum of 1-inch-wide flat web straps for the express purpose of setting up a temporary hammock, except within designated special use areas; or
  - (3) Transplant, possess, or remove any plant or plant part from any county-owned or managed land; nor shall any person introduce any plant species by willful act, negligence, or for any other reason.
- (c) *Sand, soil, and wood.* No person shall, without prior written authorization from the administrator or designee, on any county-owned or managed land:
- (1) Move or remove any sand, clay, soil, rock, stones, timber, or other wood or natural materials, whether submerged or not;
  - (2) Make any search or excavation by tool, equipment, blasting, or other means or agency; or
  - (3) Perform any manner of turf or landscape maintenance activity unless duly authorized as a county employee, contractor, or volunteer.

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- (d) *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; remove the eggs, nest, or young of any wildlife; 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, except by permit granted by the department or in accordance with a valid fishing permit issued by the state. Fishing, including the collection of shells containing living wildlife, is further restricted in section 90-7(e) of the Code. The collection of shells containing no living wildlife, however, 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;
  - (2) Feed or attempt to pet any wildlife; or
  - (3) Introduce any pet, plant or other wildlife into any county-owned or managed land by willful abandonment, negligence, or for any other reason.
- (e) *Historic artifacts and remains.* No person shall:
- (1) Without prior written authorization from the administrator or designee, willfully mark, deface, damage, displace, destroy, excavate, disturb, remove, or tamper with any cultural resource, historic artifact, or skeletal remains of any species, within any county-owned or managed land; or
  - (2) Without a permit for scientific research under section 90-9, dispose of or deposit the skeletal or cremated remains of any species within any county-owned or managed land.

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 6, 7-19-16)

### **Sec. 90-7. 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) *Horseback riding.* Horseback riding is permitted only along trails or 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.
- (c) *Fires.* No person shall ignite or attempt to ignite a fire, except in a grill, stove, fireplace, or designated fire circle.
  - (1) 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 who starts or utilizes a fire shall leave the area without completely extinguishing the fire.
  - (2) No person shall use any type of gasoline, kerosene, or diesel fuel as an accelerant to start a fire in a grill, nor use a grill or other device in such a manner as to burn, char, or blemish any bench, table, or other county property. No person shall dispose of hot coals, burning matches, smoking materials, or other flammable materials except in designated areas or receptacles.
  - (3) Frying of any kind is prohibited, including but not limited to turkey fryers, deep fat fryers, skillets, and electric frying pans **or any other apparatus which uses or produces hot oil.**
  - (4) Grilling on the beach is prohibited, except where expressly permitted under a special event permit.
  - (5) Possession of fireworks is prohibited, except where expressly permitted under a special event permit.

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(6) a. The smoking of cigarettes, filtered cigars, pipes or any other device that can be used to inhale smoke from a burning tobacco product is prohibited in environmental lands, County owned public beaches, Florida Botanical Gardens and Heritage Village, except in designated areas. -For purposes of this section, a "beach" is defined as: a sandy or rocky area along the shoreline located waterward or seaward of and including the vegetation line and/or the dune environment that is owned by the County. The term "smoking" shall mean "inhaling, exhaling, burning, carrying, or possessing any lighted tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted tobacco product." The department may, in its sole discretion, prohibit smoking at other county-owned or managed lands by the department when necessary for fire prevention purposes.

~~(6) Smoking is prohibited in environmental lands except in designated areas. The department may, in its sole discretion, prohibit smoking at other county-owned or managed lands by the department when necessary for fire prevention purposes.~~

(d) *Camping.*

- (1) Camping is strictly prohibited at all times unless a camping permit and copy of the camping rules and regulations are obtained prior to camping. When permitted, camping shall be limited to those areas specifically designated for such use.
- (2) 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.

(e) *Fishing.* Fishing is prohibited except 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 ~~designated for 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. Excluding saltwater fish as defined in F.S. § 379.101 as may be amended, non-target organisms, including but not limited to turtles, birds and frogs, that are incidentally captured using standard techniques (i.e. bycatch) shall be released unharmed. Cast netting or use of traps within or from the bank of any freshwater body in any county-owned or managed land is prohibited.

(f) *Bathing and swimming.* Swimming, bathing, or wading is prohibited except in those public areas designated for such activity. Further, no person shall:

- (1) Use soap or other cleansers in any swimming area or any other waters, including but not limited to beaches, lakes, streams, and stormwater facilities, including any freestanding shower towers or similar apparatus;
- (2) Erect any tent, shelter, or structure on or in any beach, or bathing or wading area in such a manner that a guy wire, rope, extension, brace or support connected or fastened from any such tent, shelter, or structure to any other structure, stake, rock, or object is necessary; any tent, shelter, or other such structure must provide an unobstructed view of the interior from at least two sides; or
- (3) Possess, carry, or transport any glassware, bottles, or any other potentially dangerous or sharp objects into any beach, or bathing, wading, or swimming area.

(g) *Picnicking.*

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- (1) Use of park and environmental lands property, including picnic shelters, tables, and benches generally follows the rule of first-come, first-served, unless reserved beforehand through the department's reservation program. 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.
- (h) *Audio devices.* Radios, electronic musical players or 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 event permit has been issued for such use.
- (i) *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, provided that a person may appear nude:
- (1) In a restroom, dressing, locker or shower facility, provided, however, that except as permitted by section 70-214 of the Code, no person over the age of six shall occupy or enter any such facility which is 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 campsites;
  - (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; or
  - (4) When breastfeeding a baby, and then only the extent reasonably necessary to allow breastfeeding.
- (j) *Hunting and weapons.*
- (1) Firearms as defined in F.S. § 790.001 are exempt from this article and regulation is pre-empted to state law.
- (q) *Aircraft.* No person operating, directing, or responsible for any airplane, helicopter, drone, glider, hang glider, hot air balloon, dirigible, parachute or other aerial apparatus, including those radio controlled or otherwise unmanned, shall take off from or land in or on any county-owned or managed land, except for purposes of public safety or where written permission has been obtained from the administrator or designee.
- (r) *Bounce houses.* No person shall possess or erect a bounce house without a permit issued by the department. When permitted, bounce houses shall only be erected and used at areas designated for such use by the department.
- (s) *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 could foreseeably damage private or county property, including but not limited to hitting golf balls, racing or speeding in a dangerous manner, and suspending, 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 possess ~~helium-filled~~ balloons in any county-owned or managed land, except in enclosed buildings, provided, however, that anythe helium balloons shall be properly secured when bringing balloons into and out of enclosed buildings. The department reserves the right, within the confines of applicable law, to limit other activities within any county-owned or managed land when, at the department's sole discretion, an area is deemed unable to support such activities.

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(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 7, 7-19-16)

### **Sec. 90-8. Restrictions on the sale or conveyance of regional park property.**

Except as otherwise permitted by this article, 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 years, to any other person unless approved by resolution adopted by at least a majority vote plus one of the board at a public hearing advertised in accordance with the requirements of F.S. § 125.66(2)(a); provided that the requirements for a public hearing and a super majority vote shall not apply to:

- (1) 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 and the requirements of F.S. § 125.37 are satisfied; and
- (2) The sale, transfer, conveyance, or dedication of regional park property to another governmental unit for a public purpose in accordance with the requirements of F.S. § 125.38.

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 8, 7-19-16)

### **Sec. 90-9. Permits.**

- (a) *Permit required.* A department permit is required before a person may engage in the activities listed in subsection (b) in any county-owned or managed land. If a person may remain on site after operating hours or access areas closed to the public, the terms of the permit will so specify. Application forms may be obtained from the department; a fee may be required. A department permit does not relieve the applicant from the permit requirements of section 10-26 et seq. or any other sections in the Code.
- (b) *Activities requiring a permit.* Activities for which permit applications must be submitted include but are not limited to 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
- (c) No vessel shall enter marked swim areas or zones, whether designated by the state or county.
- (d) No person other than a concessionaire contracted by the county, shall be permitted to rent, hire, or operate for charge, any vessel on any county-owned or managed lands.
- (e) To the extent authorized by state law, the department may regulate vessel type and motor size within county-owned or managed lands.
- (f) Vessels 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. No refuse, trash, oil or bilge water shall be thrown or pumped overboard within county-owned or managed lands. Sanitary facilities on vessels, which discharge overboard, must not be used while vessels are within the county-owned or managed lands.
- (g) The following standards shall apply to the use of docks and boat ramps within county-owned or managed lands:
  - (1) All persons shall use designated boat ramps or launch areas when launching or landing motorized vessels.
  - (2) Docks and ramps shall be kept clear of all equipment or gear.
  - (3) Boat ramps are for active loading and unloading only.

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- (4) Overnight dwelling on vessels docked or moored is prohibited except in areas so designated.
  - (5) No person shall moor a vessel within any county-owned or managed land for a period of time in excess of 14 days in any 30-day period.
  - (6) Any defacement or damage of piers or of dock property shall be repaired or corrected at the expense of the person or persons responsible for such defacement or damage.
  - (7) Docking and mooring facilities shall not be used for commercial activity without prior authorization from the department. No person shall use or occupy any docking or mooring space to the exclusion of other park patrons for an unreasonable amount of time. Barring exigent circumstances, such period of time shall not exceed 30 minutes.
  - (8) No fueling of any vessels on any docks or boat ramps. Fuel containers shall only be used while refueling vessels, and no fuel containers of any type shall be left unattended.
  - (9) Storage of vessels and/or trailers is prohibited except in designated storage facilities. For purposes of this Section, "storage" shall mean one of the following:
    - a. an unattached trailer, with or without a boat
    - b. an attached trailer with a boat
    - c. an oversized vehicle or trailer not intended for the space, e.g. recreational vehicle, camper, landscape or cargo trailer

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 17, 7-19-16)

### **Sec. 90-17. Public access; hours; fees; regulations.**

- (a) The department reserves the right to limit public access to any county-owned or managed land when deemed necessary to protect the public welfare or inherent natural resources. No person shall loiter in or around any restroom, dressing room, locker room, shower facility, or parking lot in any county-owned or managed land.
- (b) The hours of operation for all county-owned or managed lands are 7:00 a.m. to sunset unless otherwise posted or authorized by department permit.
- (c) Upon resolution of the board, the department is authorized to charge fees, including parking, entrance, user, or other fees, for activities on or use of county-owned or managed lands.
- (d) The department shall have the authority to adopt regulations relating to the use of county-owned or managed lands that are not in conflict with this article.

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 18, 7-19-16)

Editor's note(s)—Ord. No. 16-40, § 10, adopted July 19, 2016, amended the catchline of § 90-17 to read as herein set out. Said catchline formerly read "Fees; regulations."

### **Sec. 90-18. Citizen support organizations.**

- (a) Prior to conducting any operations on county-owned or managed lands, a citizen support organization (CSO) shall enter into a written agreement with the county. The agreement shall establish duties of the department and the CSO, including but not limited to the requirements set forth in subsections (c) and (d) of this section. The agreement may grant a CSO certain permissions consistent with this article and the department's mission, such as artifact excavation and monument erection.

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- (b) The department and a CSO shall each have the authority to terminate a written agreement entered into pursuant to subsection (a) with and without cause. Upon termination or expiration of such written agreement, a CSO shall, within 15 days, cease operations on county-owned or managed lands and remove any reference to the department or county-owned or managed lands from its entity name.
- (c) Between ~~September 15~~October 1 and ~~September 30~~October 30 of each year, each CSO shall provide the department with the following:
- (1) A balance sheet and supporting financial statements for the ending current fiscal year;
  - (2) The CSO's budget for the upcoming fiscal year;
  - (3) The CSO's most recent federal Internal Revenue Service return of organization exempt from income tax form (Form 990);
  - (4) The CSO's annual goals and objectives;
  - (5) An evaluation of the CSO's operations and programs for the ending current fiscal year; and
  - (6) A list of the CSO's current officers.
- (d) The department shall annually make the information obtained from each CSO pursuant to subsection (c) available on the department's website.
- (e) The reporting requirements in subsection (c) apply equally to CSOs in existence before and after the effective date of this section 90-18. A CSO with a current, active written operating agreement with the county as of the effective date of this section, however, is not required to enter into a new agreement with the county and otherwise comply with this section to the extent such compliance is inconsistent with the CSO's current agreement until the current agreement expires or is terminated by the CSO or county.

(Ord. No. 10-44, § 1, 9-28-10; Ord. No. 16-40, § 19, 7-19-16)

### **Sec. 90-19. Service animals.**

- (a) Service animals shall be maintained in accordance with the provisions of section 90-7 and individuals utilizing service animals must comply with all provisions of this article, except as follows:
- (1) Service animals are permitted to accompany disabled patrons in all areas open to the public; and