

ORDINANCE 23-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING CHAPTER 90 OF SAID CODE; PROVIDING FOR REVISIONS TO CHAPTER 90 OF THE CODE INCLUDING REVISIONS TO SECTION 90-7 RELATED TO SMOKING AND VAPING ON CERTAIN COUNTY OWNED PROPERTIES AND BEACHES; AMENDING SECTION 90-16 RELATING TO BOATING, DOCKING AND STORAGE OF VESSELS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Pinellas County Code Chapter 90, Article I. relates to all parks, environmental lands, and other facilities overseen by the Pinellas County Parks and Conservation Resources Department; and

WHEREAS, from time to time it is necessary to update and clarify provisions of the Pinellas County Code to ensure definitions and references are current in relation to changing state statutes; and

WHEREAS, historically, the regulation of smoking and vaping has been preempted to the State of Florida, however as of July 2022, with the passage of the Florida Clean Air Act, counties and municipalities were granted the ability to regulate smoking and vaping on public parks and beaches; and

WHEREAS, in order to ensure the welfare of specific County owned properties and beaches, as well as the visitors thereto, the Board of County Commissioners has determined that additional regulations pertaining to vaping and smoking on those properties are necessary; and

WHEREAS, the Board of County Commissioners additionally desires that Chapter 90, Article I. be further modified to eliminate redundancy, enhance clarity, and expand on terms and actions that were otherwise vague or misleading; and

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

SECTION 1. Chapter 90 of the Pinellas County Code is hereby amended to read as follows:

Chapter 90 PARKS AND CONSERVATION RESOURCES

ARTICLE I. IN GENERAL

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 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.
- (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 advisory board to assist the board of county commissioners, administrator, and 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.

- (3) Hearing citizen comment on park or environmental lands related activities.
 - (4) Formulating proposals and suggestions with the goal of improving the parks and environmental lands of the county.
 - (5) Reviewing specific issues referred to the parks and conservation resources advisory board from the board of county commissioners.
 - (6) Reviewing specific issues referred to the parks and conservation resources advisory board from the county administrator.
 - (7) 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 director, including the interviews of director candidates with county staff.

Sec. 90-2. Legislative purpose.

The 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, hydrological benefits, and open space significance to the county. Such lands and waterways also offer scenic beauty, recreational value, and the potential for educating citizens and visitors. The objective of this article is to permit public use of parks and 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. 90-3. 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 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.

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.

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.

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, Raymond H. Neri Park, 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(24), 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.

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.

Sec. 90-5. Vehicles and traffic control.

- (a) *Traffic control.* All persons, including those operating vehicles and bicycles as defined herein, 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. Oversized vehicles and trailer vehicles shall not exceed the limits of the parking space.
- (e) *Bicycles.* Bicycles shall only be ridden on roads and trails designated for bicycle traffic within parks and environmental lands and are prohibited on boardwalks. 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, vehicle, or bicycle, shall do so solely through designated entry and exit points. No vehicle, except as authorized by 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. Commercial activities necessary to remove or repair a vehicle in the case of an emergency are permitted.
- (h) *Soliciting rides or fares.* No pedestrian shall solicit rides from any driver nor shall any driver of any vehicle or bicycle solicit riders for money or fares, in any county-owned or managed land unless authorized by the department.
- (i) *Washing and maintenance.* No person shall wash, grease, repair, or perform maintenance on a vehicle on any park roadway, parkway, driveway, parking lot, or other property, except in emergencies; provided that waxing and polishing is permitted if it is in an area open to vehicles and does not interfere with other activities or traffic flow.
- (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. 90-6. 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, 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.
- (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.

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, skilletts, 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.
 - (6) The smoking or vaping of cigarettes, electronic 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 term “vaping” shall mean “inhaling or exhaling vapor produced by a vapor-generating electronic device or to possess a

vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance.” The department may, in its sole discretion, prohibit smoking or vaping 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 bathing or swimming. 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.*

- (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 preempted to state law.

- (2) No person shall carry, use, or possess weapons, toys, or instruments that discharge projectiles, including but not limited to air rifles, spring guns, bows and arrows, paint guns, water cannons, slingshots, and boomerangs except as a participant in a program approved by the board.
 - (3) Knives or other blades used exclusively for fishing, camping, and other authorized outdoor activities are permissible. All other melee weapons or instruments that pose a threat to human safety or wildlife are prohibited.
 - (4) 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 of this article.
- (k) *Alcoholic beverages.* Possession or consumption of alcoholic beverages within any county-owned or managed land is prohibited, except that, notwithstanding contrary provisions of the Code, possession is permitted at county boat ramp facilities and public marinas, and consumption is permitted onboard a vessel moored at a public marina. 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; or
 - (2) The board by resolution has temporarily waived the prohibition for a special event or activity in a specified area or place.
- (l) *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, 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.
 - (3) The owner or person in charge or in control of the pet shall immediately remove all feces deposited by such animal and dispose of same in a sanitary manner.
 - (4) The owner or person in charge or in control of the pet shall be held responsible for the pet's behavior and actions at all times.
 - (5) Except where expressly allowed, no pets are permitted in any playgrounds, swimming areas, beaches, boardwalks, bathrooms, showers, and dining areas. The department may designate further areas where pets are prohibited. Those persons in possession or control of pets within any county-owned or managed land shall obey all county ordinances including but not limited to chapter 14 of the Code except where chapter 14 is less restrictive than the provisions of this article.

- (m) *Exotic wildlife and state licensed wild animals.*
- (1) 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.
 - (2) No wild animals for which a state license is required are permitted in any county-owned or managed land.
- (n) *Gambling.* No person shall engage in any form of gambling as prohibited by state law.
- (o) *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.
- (p) *Metal detectors.* The use of metal detectors is prohibited except on beaches in parks.
- (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 balloons in any county-owned or managed land, except in enclosed buildings, provided, however, that any 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.
- (t) *Litter.* No person shall throw, discard, place or deposit any trash, garbage, junk, debris, refuse, or rubbish in any county-owned or managed land or its facilities that are not specifically designated for such trash/garbage disposal.

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.

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 not include activities such as visual observation of wildlife or vegetation within public areas. A scientific research permit granted under this subsection constitutes prior written authorization from the administrator or designee for purposes of compliance with section 90-6.
 - (2) All commercial photography, television broadcasting, and 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 are not required for bona fide newspaper, press association, newsreel and/or television news department personnel, who are identified by accredited press passes. Such personnel are regarded as persons performing a task involving the freedom of the press as set forth in the constitution of the United States and accordingly, shall not be restricted by this subsection (b)(2).
 - (3) Camping.

- (4) Bounce houses.
 - (5) Special events.
 - (6) Large groups.
 - (7) Commercial activity.
- (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.
- (e) *No entitlement to permit.* Because of the proprietary nature of the county-owned and managed lands, this section does not create any right or entitlement to a permit.

Sec. 90-10. Commercial activity, publicity, and signs.

- (a) Commercial activity on county-owned or managed land that is not conducted by the department, or a county-approved concessionaire, licensee, or permittee, is prohibited. Nothing in this section shall be deemed to preclude the county from entering into a sponsorship agreement with commercial or noncommercial entities.
- (b) No person shall place or affix any handbill, pamphlet, circular, placard, or any other printed matter upon a vehicle within any county-owned or managed land, except as provided by department permit.
- (c) No person shall place any sign within any county-owned or managed land, unless the sign is placed in correlation to an event or gathering, for which a reservation through the department was made or permit from the department was obtained, and which is occurring within that specific county-owned or managed land on the day the sign is placed. Persons placing such signs must remove them from the premises before leaving the property. Any such sign placed pursuant to this provision shall be temporary in nature, no larger than 18 by 24 inches, and placed into the ground by small stakes designed so as to minimize damage to the landscaping.
- (d) Any person wishing to distribute any handbills, pamphlets, circulars, placards, or other printed materials may not do so in a manner or location that interferes with the public's enjoyment of the park, or in such a manner as to result in littering or pollution.

Sec. 90-11. 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 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 90-7, 90-9, and 90-10 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. 90-12. Exemptions.

Any person performing duties authorized by the board or administrator or 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. 90-13. 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 administrator or 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 article 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 (c) of this section, a person who violates this article may also be liable under chapter 58 of the Code, including for civil penalties up to \$10,000.00 per offense where each day the violation continues constitutes a separate offense.

Sec. 90-14. 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 the 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. 90-15. Group gatherings, performances, and speeches.

The board shall have the authority to designate certain county-owned or managed lands or portions of county-owned or managed lands for public demonstrations, gatherings, performances, and speeches which, due to the size of prospective groups, will interfere with the use of the county-owned or managed land by the general public. Groups intending to use such designated county-owned or managed land for public demonstrations, gatherings, performances, and speeches shall give advance notice to the department and may be required to obtain a special event or large group permit.

Sec. 90-16. Boating, docks, and launching ramps.

- (a) No person shall bring into or operate any vessel on any county-owned or managed lands other than those so designated for such use or purpose by the administrator or designee or applicable state law.

- (b) All persons navigating or operating a vessel in county-owned or managed lands shall comply with the Florida Fish and Wildlife Conservation Committee Boating Regulations and U.S. Coast Guard Navigation Rules and Regulations as applicable. Said persons shall recognize marked manatee protection zones and boating safety zones, including but not limited to the vessel exclusion zones, combustion-motor exclusion zones, no wake zones, and minimum wake zones identified in chapter 130 of the Code.
- (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.
 - (4) 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.
 - (5) 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.
 - (6) 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.

(7) 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.

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.

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.
- (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 October 1 and 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 CSO's 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.

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
 - (2) Notwithstanding any provision to the contrary contained in chapter 14 of this Code, if a leash of six feet would interfere with the service animal's ability to work or the disabled individual's disability prevents using a leash of six feet or less, the service animals must be otherwise harnessed, leashed, or tethered to the disabled individual, the individual's mobility device, or the animal's handler using the most reasonable restrictive length of leash, harness, or tether over six feet. If a harness, leash, or tether interferes with the service animal's work or the individual's disability prevents using these devices, the individual must maintain control of the animal through voice, signal, or other effective controls.
- (b) An individual with a disability may be asked to remove a service animal from the premises if:
 - (1) The animal is out of control and the animal's handler does not take effective action to control it; or

(2) The animal is indoors or on a paved surface and is not housebroken.

Secs. 90-20—90-116. Reserved.

SECTION 2. 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 3. Areas Embraced. This Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

SECTION 4. Inclusion in Code. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to section, article or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 5. Filing of Ordinance; Effective Date. Pursuant to Section 125.66, Fla. Stat., 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 AS TO FORM

By: Cody J. Ward
Office of the County Attorney