

**ORDINANCE 19-\_\_\_\_\_**

AN ORDINANCE OF THE COUNTY OF PINELLAS, PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY ADDING DIVISION 4 EQUINE RIDING AND SEAGRASS DAMAGE TO ARTICLE X AQUATIC PRESERVES OF CHAPTER 58 ENVIRONMENT; PROVIDING FOR THE PROHIBITION OF EQUINE RIDING, WALKING, AND TRAINING WITHIN AQUATIC PRESERVES; PROVIDING FOR THE PROHIBITION OF UNPERMITTED SEAGRASS DAMAGE WITHIN AQUATIC PRESERVES; PROVIDING FOR COUNTYWIDE APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCORPORATION INTO THE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Florida Law recognizes forty-one aquatic preserves, which are defined by F.S. § 258.37 as “exceptional areas of submerged lands and associated waters set aside for being maintained essentially in their natural or existing condition”;

WHEREAS, Pinellas County is home to two of these forty-one aquatic preserves: the Pinellas Countywide Aquatic Preserve and the Boca Ciega Bay Aquatic Preserve (together the “Pinellas Aquatic Preserve System”), which together cover all State-owned (sovereign) submerged lands in Pinellas County;

WHEREAS, the Florida Natural Areas Inventory estimates that there are 33,774 acres of seagrass in the Pinellas Aquatic Preserve System;

WHEREAS, seagrass in the Pinellas Aquatic Preserve System serves as an important food source, shelter, and nursery for numerous marine species;

WHEREAS, seagrass in the Pinellas Aquatic Preserve System improves water quality by filtering nutrients and sediments;

WHEREAS, seagrass in the Pinellas Aquatic Preserve System benefits the economy through enhancing fisheries and tourism;

WHEREAS, horseback riding has recently become popular within certain nearshore areas of the Pinellas Aquatic Preserve System where seagrass beds are prevalent, most notably within the City of St. Petersburg;

WHEREAS, aerial photographs establish that this increase in horseback riding is causing extensive damage to seagrass;

WHEREAS, in addition to seagrass impacts arising from horse movement, horseback riding also presents water quality and public health impacts arising from horse defecation;

WHEREAS, the Tampa Bay Regional Planning Council (TBRPC) has formally requested that the Florida Department of Environmental Protection (FDEP) update the aquatic preserve management plan to protect public health, water quality, and seagrass from impacts resulting from horseback riding in the Pinellas Aquatic Preserve System; the June 21, 2019 letter from TBRPC to FDEP evidencing such request is attached hereto as Exhibit A;

WHEREAS, the City of St. Petersburg has expressed support for a Countywide Ordinance that bans all activities that are harmful to seagrass in the Pinellas Aquatic Preserve System;

WHEREAS, in light of the above environmental and public health concerns, and as an expression of support to TBRPC and FDEP, the Pinellas County Board of County Commissioners (the “Board”) wishes to ban horseback riding in the Pinellas Aquatic Preserve System;

WHEREAS, the Board recognizes that human activities other than horseback riding—most notably dredging and reckless vessel operation—may also damage, or “scar”, seagrass;

WHEREAS, the Board accordingly also wishes to ban any unpermitted activity that causes damage to seagrass;

WHEREAS, the Aquatic Preserve System is subject to extensive State regulation under Laws of Fla. Ch. 72-663 (Pinellas Countywide Preserve), Laws of Fla. Ch. 69-342 (Boca Ciega Bay Preserve), F.S. Ch. 253 (State Lands), F.S. Ch. 258 (State Parks and Preserves), F.A.C. Ch. 18-20 (Aquatic Preserves), F.A.C. Ch. 18-21 (Sovereignty Submerged Lands Management), and the FDEP Pinellas County and Boca Ciega Bay Aquatic Preserves Management Plan (last updated November 2018);

WHEREAS, notwithstanding such extensive State regulation, F.A.C. Ch. 18-20.001(4) expressly provides that “[n]othing in these rules shall serve to eliminate or alter the requirements or authority of other governmental agencies, including counties and municipalities, to protect or enhance the preserves provided that such requirements or authority are not inconsistent with [F.S. Ch. 258, Part II (Aquatic Preserves)] and [F.A.C. Ch. 18-20 (Aquatic Preserves)].”; and

WHEREAS, banning horseback riding and other unpermitted activities that cause seagrass damage in the Pinellas Aquatic Preserve System is consistent with F.S. Ch. 258, Part II (Aquatic Preserves) and F.A.C. Ch. 18-20 (Aquatic Preserves).

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

Section 1. Chapter 58 (Environment), Article X (Aquatic Preserves) of the Pinellas County Code is hereby amended by adding Division 4 (Equine Riding and Seagrass Damage) as follows:

## CHAPTER 58. ENVIRONMENT

### ARTICLE X. AQUATIC PRESERVES

#### DIVISION 4. EQUINE RIDING AND SEAGRASS DAMAGE

##### Sec. 58-400. – Definitions.

*Aquatic Preserve System* means the Pinellas Countywide Aquatic Preserve, as defined in Section 58-376 of this Article, and the Boca Ciega Bay Aquatic Preserve, as defined in Section 58-392 of this Article.

*Equine* means a horse (*equus caballus*), pony (*equs caballus*), mule (*equus asinus x equus caballus*), hinny (*equus asinus x equus caballus*), or donkey (*equus asinus*).

*Seagrass* means Cuban shoal grass (*Halodule wrightii*), turtle grass (*Thalassia testudinum*), manatee grass (*Syringodium filiforme*), star grass (*Halophila engelmannii*), paddle grass (*Halophila decipiens*), Johnson's seagrass (*Halophila johnsonii*), or widgeon grass (*Ruppia maritima*).

*Seagrass damage* means the removal or destruction of seagrass roots, shoots, or stems.

##### Sec 58-401. – Purpose and Intent.

The purpose of this Division is to prohibit equine riding and other activities that cause seagrass damage within the Aquatic Preserve System. The Board recognizes that the Aquatic Preserve System is critical to the environmental, recreational, and economic well-being of the County and is committed to preserving the Aquatic Preserve System in an essentially natural condition so that its aesthetic, biological, and scientific values may endure for the enjoyment of future generations. As equine riding within the Aquatic Preserve System has increased, adverse environmental impacts have become apparent. Equine waste contains nutrients and bacteria that degrade water quality; more markedly, equine movement tears, cuts, and dislodges seagrass. The Board recognizes that equine riding is not the exclusive cause of seagrass damage within the Aquatic Preserve System; dredging and careless vessel operation in particular also pose a significant risk to seagrass beds. Therefore, the Board has determined that the prohibition of equine riding and other activities that cause seagrass damage within the Aquatic Preserve System is reasonably necessary to preserve the Aquatic Preserve System and protect the public health and welfare.

The provisions of this Division shall be liberally construed in order to effectively carry out the purposes set forth herein. The provisions of this Division are not intended and may not be construed as superseding or conflicting with any statutory provisions relating to, or rules adopted by, the Florida Department of Environmental Protection.

Sec. 58-402. – Acts Prohibited.

- (a) It shall be unlawful for any person to ride, walk, or train any equine within the Aquatic Preserve System. The owner of any equine that is ridden, walked, or trained within the Aquatic Preserve System shall be jointly and severally liable with the rider, walker, or trainer of such equine.
- (b) It shall be unlawful for any person to cause seagrass damage within the Aquatic Preserve System without a permit from the County, and any other requisite government agencies, authorizing the activity which may cause such damage. The owner of any object or equipment causing such damage shall be jointly and severally liable with the operator of the object or equipment for such damage.

Sec. 58-403. – Enforcement and Penalty.

Violations of this Division may be enforced as provided for in Section 1-8 of the Code (General Penalty; Continuing Violations) or Chapter 2, Article VIII of the Code (Code Enforcement by Special Magistrates). Nothing herein prevents the Board from availing itself of any other legal and equitable remedies provided by law, including but not limited to seeking injunctive relief, or seeking penalties under the Pinellas County Environmental Enforcement Act, which is codified at Chapter 58, Article II (Environmental Enforcement) of the Code, of an amount not more than \$10,000.00 for each offense, where each day during any portion of which such violation occurs constitutes a separate offense. The provisions of this Division may be enforced by any code inspector employed by Pinellas County or any law enforcement officer operating within Pinellas County.

Sec. 58-404. – Areas Embraced.

All territories within the legal boundaries of Pinellas County, Florida including all incorporated and unincorporated areas, shall be embraced by the provisions of this Division, unless in conflict with or specifically deleted by a municipal ordinance.

Sec. 58-405. – Americans with Disabilities Act.

Nothing in this Division alters the requirements imposed upon government agencies by 28 C.F.R. §§ 35.136 (Service Animals) and 35.137 (Mobility Devices).

Section 2. Severability.

If any section, paragraph, clause, sentence, or provision of the Ordinance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate, nor nullify the remainder of this Ordinance, and the effect therefore shall be confined to the section, paragraph, clause, sentence, or provision immediately involved in the controversy in which such judgment or decree shall be rendered.

Section 3. Inclusion in Code.

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

Section 4. Filing of Ordinance: Effective Date.

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

APPROVED AS TO FORM

By:

  
Office of the County Attorney