

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020194

1. REQUESTED MOTION:

ACTION REQUESTED: Hold a Public Hearing to amend Lee County's Park Ordinance 01-01.

WHY ACTION IS NECESSARY: Provides for the establishment of the Lee County Park Rangers and for a schedule of fines.

WHAT ACTION ACCOMPLISHES: Changes Lee County Ordinance 01-01 regulating certain activities in the county parks. Deletes and amends certain provisions and establishes the authority of the Lee County Park Rangers to issue citations for violations of Lee Co. Ord. 01-01.

2. DEPARTMENTAL CATEGORY: 11
COMMISSION DISTRICT # 5:00 # 10

3. MEETING DATE: 03-12-2002

4. AGENDA:

CONSENT

ADMINISTRATIVE

APPEALS

PUBLIC

WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

| | |
|---|-------|
| STATUTE | |
| <input checked="" type="checkbox"/> ORDINANCE | 01-01 |
| ADMIN. CODE | |
| OTHER | |

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT Parks & Recreation

C. DIVISION

BY: John Yarbrough, Director
[Signature]

7. BACKGROUND:

At its December 3, 2001 Management and Planning Meeting, the Board Of County Commissioners directed staff to pursue code enforcement certification training for its Park Rangers. As such, Lee County Ordinance 01-01 is being amended to establish the enforcement authority of the Park Rangers, thereby allowing them the power to issue citations for violations of Lee Co. Ord. 01-01. In addition, a fee schedule of penalties and fines has been developed for specific violations.

Other minor changes are being proposed as well. A copy of the Ordinance with the proposed amendments shown in underlining and the proposed deletions shown in ~~strike-out~~ is attached.

Attachment: Draft Ordinance (dated 02/04/02)FAIS

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

| A Department Director | B Purchasing or Contracts | C Human Resources | D Other | E County Attorney | F Budget Services | | | | G County Manager |
|-----------------------------|------------------------------------|-------------------------|------------|-------------------------|----------------------|--------------------|--------------------|--------------------|---------------------|
| | | | | | OA | OM | RISK | GC | |
| <i>[Signature]</i> | NA | NA | / | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> |

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 2/26/02
Time: 2:20 pm
Forwarded To:
ADMIN
2/26/02 4:25 pm
MJ

RECEIVED BY
COUNTY ADMIN.
2/27/02
8:30 am
COUNTY ADMIN.
FORWARDED TO:
2/28/02

LEE COUNTY ORDINANCE NO. ____

AN ORDINANCE AMENDING AND RESTATING LEE COUNTY ORDINANCE 90-56, AS AMENDED BY ORDINANCE NO. 01-01, PROVIDING FOR CODE ENFORCEMENT IN PARKS BY PARK RANGERS, REGULATING CERTAIN ACTIVITIES IN AND USAGE OF COUNTY PUBLIC PARKS AND PARK LITTORAL WATERS WITHIN LEE COUNTY; RELATING TO AMENDMENTS OF DEFINITIONS; DEPARTMENT POLICIES AND PROCEDURES; USE OF COUNTY RECREATION CENTERS AND COMMUNITY BUILDINGS; PROTECTION OF VEGETATION AND AMENDMENTS RELATING TO FIRE CONTROL; INTRODUCTION OF SPECIES; FIREARMS WEAPONS; BATHING AND SWIMMING; NUDITY; FISHING; GAMES/ACTIVITIES; HORSEBACK RIDING; FEES AND CHARGES; DOMESTICATED ANIMALS; ADVERTISING AND COMMERCIAL SIGNS; SMOKING; INTOXICATING BEVERAGES; PARKING; TRAFFIC CONTROL; BICYCLES; ROLLER BLADES, ROLLER SKATES, SCOOTERS, AND SKATEBOARDS; VESSEL CONTROL; PUBLIC DOCKS; SANITATION; PARK RULES AND OPERATING POLICIES AND PENALTY RESTITUTION AND ENFORCEMENT; PROVIDING FOR PENALTIES AND A FEE SCHEDULE, CONFLICT, INCLUSION IN CODE, SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Lee County duly adopted Lee County Ordinance 90-56, as amended by Lee County Ordinance 01-01, which provided certain controls and regulations on the activities in and public usage of Lee County Park facilities and the littoral water thereof; and

WHEREAS, the Findings and Purposes included within Lee County Ordinance 01-01 are hereby further confirmed, readopted and ratified; and

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

SECTION ONE.

It is the intent of this ordinance to amend Lee County Ordinance 90-56, as amended

by Ordinance 01-01, to establish the Lee County Park Rangers to enforce the revised Lee County Park Facilities rules and regulations and use policies. To the extent not specifically amended hereby, all provisions, findings and terms of Lee County Ordinance 01-01 as duly adopted and hereinafter restated in full remain in full force and effect.

SECTION TWO.

Lee County Ordinance 01-01 is hereby restated with the amendments thereto by respective Section as noted as follows with the new language shown by underlining and deleted language shown with strike-overs. Accordingly, Lee County Ordinance 01-01 is hereby duly amended to read as follows:

1.0 PURPOSE

The purpose of this Ordinance is to efficiently utilize County parks for recreation purposes, preserve park resources, and provide for the protection and safety of lives and property on and within the parks and recreation facilities under the jurisdiction and control of the Board of County Commissioners of Lee County, Florida.

2.0 APPLICATION

These rules and regulations shall apply to all persons on any part of the property comprising the parks and adjacent littoral waters and abutting lands presently or hereinafter under the jurisdiction and control of the Board of County Commissioners of Lee County, Florida.

2.1 ENFORCEMENT

A. The Lee County Park Rangers is hereby established. It shall employ qualified

persons who shall be invested with full and complete authority to enforce the provisions, requirements and regulations set forth herein and to discharge the duties of the office. Those persons designated as Park Rangers of Lee County shall have the authority to issue citations to enforce this Ordinance.

B. Whenever a Park Ranger has probable cause to believe that a violation of this Ordinance has occurred, the Park Ranger may issue a citation or summons and complaint to the violator, stating the nature of the violation with sufficient particularity to give due notice of said charge or of the violation by using the citation criteria set forth in Chapter § 162.21 Florida Statutes.

C. It is unlawful for any person to willfully refuse to sign and accept a citation issued by a Park Ranger. Violation of this section is a misdemeanor of the second degree, punishable as provided for in Florida Statutes.

2.2 OPPOSING A PARK RANGER

It shall be unlawful for any person to knowingly interfere with, oppose, resist, obstruct, hinder or in any manner prevent a Park Ranger, who is attempting to discharge or is in the course of discharging an official duty or fail to obey the lawful order of a Park Ranger. Violation of this section is a misdemeanor of the second degree punishable as provided for in Florida Statutes.

3.0 DEFINITIONS

The following terms when used in this Chapter shall have the meanings ascribed to them in this section:

3.1 PARKS

The term all “parks” operated and maintained by the Lee County Department of Parks and Recreation are defined to mean, parks, wayside parks, parkways, preserves (refer to Parks and Recreation Policies and Procedures Manual, incorporated by reference as a part of this ordinance), and open spaces, playgrounds, recreation facilities and fields, museums, auditoriums, ranges and buildings, lakes, streams, canals, lagoons, waterways, pools, causeways, bridges, roadways, marinas, piers, and abutting lands and adjacent littoral waters, which are used for recreational purposes, or as parks, and the pertinent rights-of-way presently under or hereinafter acquired and placed under the jurisdiction, control and administration of the Board of County Commissioners of Lee County, Florida, and all public service facilities located on grounds, buildings, and structures in Lee County which are under the control of or assigned for upkeep, maintenance or operation by Lee County. The term “parks” expressly includes the Sanibel Causeway facilities.

3.2 PARK PROPERTY

The term “park property” when used hereinafter is defined to cover all property, real or personal, in or on parks.

3.3 PARK RANGER

The term “park ranger” is defined as any person employed or appointed by Lee County who is authorized to investigate, pursuant to law, civil infractions relating to Lee County public parks or beaches and to issue citations as provided in this ordinance, and

to file charges based on such investigation.

3.4 3-3 DIVISION

Department shall mean the Department of Parks and Recreation.

The Department is charged with the duty of administering, protecting, controlling and governing the parks and park property of Lee County.

3.5 3-4 PERSON

The word "person" includes natural persons, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, including any trustee, receiver, assignee, or similar representative thereof, corporations and all other groups and combinations.

3.6 3-5 DIRECTOR

"Director" is the Director of the Lee County Division Department of Parks and Recreation or his/her designee.

3.7 3-6 VEHICLE

"Vehicle" is any wheeled conveyance, whether motor powered, animal-drawn, or self propelled. The term shall include any trailer in tow, of any size, kind or description. An exception is made for baby carriages, assistive vehicles for people with disabilities, and vehicles in the service of the County parks.

3.8 3-7 VESSEL

Any motorized, wind driven, or paddle-propelled means of water related transportation within a County park or upon park littoral waters. The term specifically includes, but is not limited to, personal water craft, commonly known as

jet skis. The term shall not include rafts, floats or flotation devices, whether of canvas, rubber, styrofoam, or other substances intended or capable of assisting in the flotation of a person on or in the water.

3.9 ~~3.8~~ IDLE SPEED

The lowest speed at which a vessel can operate and maintain steering control. The actual speed will depend upon the design of the vessel and of the vessel's load, wind direction and speed, and sea conditions. Generally, it will be between 1 and 3 miles per hour for outboard and inboard/outboard vessel, between 2 and 5 miles per hour for fixed shaft/rudder water craft, and the minimum speed merely necessary to effectively traverse breaking water for personal water craft (jet skis).

3.10 ~~3.9~~ PARKING AREA

Any designated part of a park road or area contiguous thereto set apart for the standing or stationing of any vehicle.

3.11 ~~3.10~~ PARK ROADS

All surfaced areas designated for vehicular traffic. All other surfaced or cleared areas are classified as a form of trail or path.

3.12 ~~3.11~~ BATHING BEACH, BATHING AREA, OR SWIMMING AREA

Any beach or pool designated as such in any park, including the actual sand beach, if any, and the adjoining land and littoral waters used for bathing and swimming.

3.13 ~~3.12~~ POLICIES AND PROCEDURES

Lee County Parks and Recreation maintains a Policies and Procedures Manual. Unless otherwise specified in this Ordinance, all policies and procedures shall be followed as written in the Policies and Procedures Manual which is incorporated herein as part of this ordinance and is on file with the Department.

4.0 DEFACING CARE OF BUILDINGS AND OTHER PARK PROPERTY

No person shall willfully mark, soil, deface, or injure in any way, or displace, remove or tamper with, any park building, bridge, public restroom and washroom facility, table, bench, fireplace or other cooking facility, railing, paving or paving material, water line or other public utility or parts or appurtenances thereof or equipment thereon, park sign, notice or placard whether temporary or permanent, monument, stake, post, or other boundary marker, or other structure or equipment, facility or park property or appurtenance whatsoever, either real or personal.

4.1 RESTROOMS AND WASHROOMS

~~All persons are expected to cooperate in maintaining restrooms and washroom facilities.~~ No person over the age of six (6) years shall use the restroom and washrooms designated for the opposite sex, unless accompanied by a guardian, parent or caregiver.

5.0 USE OF COUNTY RECREATION CENTERS AND COMMUNITY BUILDINGS

Buildings located in County parks shall not be used unless permission has been granted by the Department pursuant to the rules and regulations adopted by

the Board of County Commissioners and Department. Buildings are to be used for the purpose of civic meetings, social gatherings, public functions and recreational activities. Buildings will be rented for a fee as established by the Department in the Administrative Code to cover cost of maintenance and administration. Such rental use is subject to Department reservation policy and procedures and rental use criteria as uniformly applied and articulated in the Lee County Parks and Recreation Policies and Procedures Manual.

6.0 REMOVAL OF NATURAL OBJECTS

No person shall dig or move with the intent to remove, or remove from any park area, any beach sand, whether submerged or not, or any soil, rocks, stones, trees, shrubs, or plants, downed timber or other wood or materials or make any excavation by tools, equipment, blasting or other means or agency, or construct or erect any building or structure of whatever kind whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except on special written permit issued hereunder by the Director.

7.0 PROTECTION OF VEGETATION

No person shall cut, carve or injure the bark, limbs or branches or mutilate trees in any way, or pick the flowers or seeds of any tree, plant or shrub, nor shall any person dig in or otherwise disturb grass areas, or any other way injure or impair the natural beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any tree or plant, or attach any rope, wire or other contrivance thereto, whether permanent or temporary in character or in use.

No person shall transplant or remove any tree or plant or part thereof, or collect or remove flowers, except in areas designated for that use such as gardens, or with special permission by the Director.

7.1 CLIMBING TREES, ETC

No person shall climb any tree or walk, or stand or sit upon monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes.

8.0 FIRE CONTROL

No person shall ignite or attempt to ignite any fire against or on any vegetation or park structures, except in designated fireplaces or grills. No person shall dispose of burning matches, smoking materials or other inflammable items within any park except in designated receptacles. Prescription burning shall be conducted only by the Division where and when appropriate for the restoration, maintenance and preservation of certain plant communities.

9.0 PROTECTION AND PRESERVATION OF WILDLIFE

No person shall take, molest, harm, frighten, kill, trap, hunt, chase, tease, shoot, or throw missiles at any animal, wild animal, mammal or echinoderms such as starfish and sand dollars, nor shall any person remove or have in their possession the young of any wild animal, or the eggs or nests, or young of any reptile or birds. Further it is prohibited to take live shellfish from park property without proper authorization from the State of Florida. No person shall give or offer,

or attempt to give to any animal, or wild animal, any food item, tobacco, alcohol, foreign object or other known noxious substances.

9.1 INTRODUCTION OF SPECIES

No person shall introduce into any park any plant or animal species by willful abandonment, negligence or for any other reason without written authorization from the Department.

9.2 FIREARMS WEAPONS

No person shall use, carry, or possess firearms of any description, or air-rifles, paint guns, spring-guns, bow and arrows, slings or any other form of weapon potentially injurious or harmful to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device, except in areas specifically designated for such activity, by authorized law enforcement officials, or in the case of special events as permitted by the Director. Shooting into park areas from beyond park boundaries is forbidden without special permission from Director.

10.0 BATHING AND SWIMMING

Bathing and swimming is done at the risk of the park user. No person, regardless of age or manner of dress, shall swim, bathe or wade in any park waters or waterways designated as "no swimming areas." Swimming activities shall comply with such regulations as to the hours of the day and safety limitations or such use as set by the Director. Areas where swimming is permitted will be designated by official signs and markings.

No person shall frequent any park, waters or bathing beach for the purpose of swimming or bathing, or congregate there, except between such hours of the day as may be designated by the Director for such purposes for each individual area. No person in a park shall fail to abide by the instructions of any lifeguard or attendant on duty pertaining to safety, the playing of games, fishing from the beaches or other waterfront areas, and other rules and regulations as indicated. Swimmers are cautioned that lifeguards may not always be present. No person shall bring glass containers to any beach or bathing area.

10.01 NUDITY IN PARKS OR BEACHES

In each and every bathing area and on park property, all persons shall be so covered with a bathing suit so as to prevent any indecent exposure of the person, as that term is defined in Florida Statutes § 800.03. No person shall dress or undress on any beach or in any vehicle, toilet or other place in any park area, except at such bathing houses or structures as may be provided and maintained by the park for the purpose.

11.0 FISHING

AUTHORIZATION. Fishing is authorized in park waters in accordance with Florida law, Florida Statutes § 372.57, the rules of the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, and provisions of local ordinance except as follows.

SPECIFIC PROHIBITIONS. No person shall fish off-shore from any type of vessel or from the beach within 200 feet of any "swimming only" exclusion area.

Nor shall any person fish in any area where bathing is permitted and or specifically designated as a “no fishing” area. Fishing with nets, spears, snatch hooks and gigs is prohibited at all times. No person shall take live shellfish from park property without proper authorization from the State of Florida.

COMMERCE PROHIBITED. No person on park property shall engage in commercial fishing, or the buying or selling of fin fish or shellfish caught in any waters.

12.0 PICNICKING AND CAMPING

PICNIC AREAS. No person shall picnic or lunch in a place other than designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.

AVAILABILITY. No person shall violate the regulation that use of the individual fireplaces together with tables and benches, generally follows the rule of “first come, first served.” This prohibition does not apply to rented or reserved facilities.

NON-EXCLUSIVE. No person shall use any portion of the picnic area or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded. This prohibition does not apply to rented or to reserved facilities.

DUTY OF PICNICKER. No person shall leave a picnic area before a fire, if any, is completely extinguished and before all trash and refuse is placed in the disposal receptacles, where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.

12.1 CAMPING

No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, except in designated camping areas, nor shall any person leave in a park, after closing hours, any movable structure or vehicle to be used or that could be used for such purpose, except by special written permit granted by the Director.

12.2 GAMES/ACTIVITIES

No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball, and soccer is prohibited except on those areas specifically designated for such activity.

12.3 HORSEBACK RIDING

No person shall ride a horse except in areas specifically designated for such activity or in the case of special events, as designated by the Director or for authorized law enforcement purposes. Where permitted, horses shall be thoroughly trained and properly restrained, and ridden with due care, and shall not be allowed

to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

13.0 FEES AND CHARGES

The Board of County Commissioners may by Resolution establish reasonable fees and charges for the use of any park facility or service as set forth in the Lee County Administrative External Fees and Charges Manual.

14.0 DOMESTICATED ANIMALS

A. Domesticated animals are prohibited on park property, whether or not under restraint, with the following exceptions: service animals or guide dogs which are specially trained to accompany a deaf or hard of hearing person, totally or partially blind person, a person who is subject to epilepsy or other such seizure disorders or physically disabled person, police dogs or horses on duty, horses in designated equestrian areas, or other domestic animals. in designated areas as so authorized by the Board of County Commissioners: The guide dog or service dog must be capable of being properly identified as being from a recognized school for seeing-eye dogs, hearing-ear dogs, service dogs, including but not limited to, seizure-alert and seizure response dogs or guide dogs.

B. Notwithstanding the foregoing, the Board from time to time may, by County resolution, designate specific County beaches, parks, playgrounds, or public buildings where animals may be allowed and whether or not under restraint. In the event the Board designates such areas where animals are allowed, any person who owns, or has apparent control over an animal in such area shall immediately remove all fecal matter that is deposited by said animal in those areas and dispose of same

in a lawful manner.

15.0 CONCESSIONS, VENDING, AND PEDDLING

No person shall operate a concession, or expose or offer for sale any service, article or thing; nor shall any person station or place on park property any stand, cart, or vehicle or vessel for the transportation, sale or display of any such article or thing. Exception is hereby made as to any regularly licensed concessionaire or other person engaging in such activities as authorized by the Board of County Commissioners and/or the Director. All properly authorized activities under this section are subject to reasonable regulation by the Director.

15.1 ADVERTISING AND COMMERCIAL SIGNS

No person shall: announce, advertise, or call the public attention in any way to any article or service for sale or hire; paste, glue, tack or otherwise post any commercial sign, placard, advertisement, or inscription whatever; erect or cause to be erected any commercial sign whatever on any public lands or highways or roads adjacent to a park, distribute any handbills or circulars, except by special permission from the Director.

16.0 BEHAVIOR

16.1 SLEEPING. Except for authorized campers in designated camping areas, no person shall sleep overnight in any area of a County park, including beaches, lawns, fields and wooded areas.

16.2 FIREWORKS AND EXPLOSIVES. No person shall bring, possess, set off, or otherwise cause to explode or discharge or burn, any firecrackers, torpedo,

rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any such park area from land or highways adjacent thereto.

This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints.

16.3 RESERVATION OF FACILITIES. No person shall occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated by the Director for the use of specific persons or groups of persons. Nor shall any person occupy an area designated and set aside for the use of the handicapped, except for those persons attending said handicapped persons.

16.4 ALMS. No person shall solicit alms or contributions for any purpose, whether public or private, without the express written permission of the Director and/or in accordance with an approved facility rental use authorization.

16.5 SMOKING. Pursuant to the Clean Indoor Air Act, no person shall smoke within the confines of the recreation centers and community buildings.

16.6 CLOSED AREA. No person shall enter an area posted as "Closed to the public", nor shall any person use, or abet the use of any area of violation of posted notices.

16.7 GAMES OF CHANCE. No person shall gamble, or participate in or abet any game of chance.

16.8 SURF OR SKI. No person shall surf or ski at any public beach not designated specifically for that purpose. Body surfing is permitted.

16.9 SIGNS. No person shall carry on or engage in any activity which is expressly prohibited by a posted sign.

16.10 LOITERING AND BOISTEROUSNESS. No person shall sleep or protractedly lounge on park seats or benches, or other area, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace.

16.11 EXHIBIT PERMITS. No person shall fail to produce and exhibit any permit from the Director that he claims to have upon request of any authorized person who shall desire to inspect the same.

16.12 INTERFERENCE WITH PERMITTEES. No person shall disturb or interfere with any person or party occupying any area, or participating in any activity, under the authority of a permit.

17.0 INTOXICATING BEVERAGES/ILLEGAL SUBSTANCES

GENERAL PROHIBITION. Except as herein provided, no person shall possess, consume, use, sell or distribute alcoholic or intoxicating beverages, or illegal substances in any park. No person shall enter or remain in any park under the influence of alcohol, other intoxicants, or illegal substances.

Notwithstanding the foregoing, the sale, service and consumption of beer and wine at the Lee County Sports Stadium Complex and Terry Park pursuant to a written contract with the Board of County Commissioners, is specifically excepted

from the foregoing provisions and limitations. A person under a written contract with the Board of County Commissioners may sell, serve and/or permit to be sold or served beer and wine at professional major and minor league baseball games at the Lee County Sports Stadium Complex and Terry Park or at other events designated by the Board, and persons may consume said beer and wine sold therein on the premises only without violating the provisions of this section. Notwithstanding, the foregoing, the County Manager/Administrator is hereby authorized to grant permits for a one-time event at any County-maintained recreation facility wherein the sale and consumption of alcoholic beverages may be allowed under the following procedure: (1) utilization of the Board's Civic Center liquor license, provided that there is no scheduled event at the Civic Center involving the use of the Board's Civic Center liquor license on the same date as the requested sale date; if there is such a date conflict, then (2) the private group making application to the County Manager/Administrator for this permit must secure a permit or license authorized by Chapter 561, Florida Statutes. The County Manager/Administrator may place restriction or limitation by Administrative Code on any such use as the public interests dictate and which further best protects the public health, safety and welfare. Such restriction or limitation shall require at a minimum, that applicants are (1) a bona fide Florida not-for-profit entity; and, (2) eligible for a temporary permit pursuant to Chapter 561, Florida Statutes.

18.0 PARKING

The Department shall provide and mark off individual parking spaces to be used by patrons of park facilities. No person shall park any vehicle in any place other than that provided for by the Department not shall such person park in the provided parking area except while such person is using park facilities. Parking shall be within the delineated area of one parking space.

18.1 NIGHT PARKING. No person shall leave a vehicle standing or parked at night without lights clearly visible for at least 500 feet from both front and rear on any driveway or road area except when properly parked in a clearly designated parking area.

18.2 DOUBLE PARKING. No person shall double park any vehicle on any road or parkway unless so directed by a park official or police officer.

18.3 DISABLED PARKING. No person shall stop, stand, or park any vehicle within or to obstruct, any such parking space provided for individuals with disabilities, unless such vehicle displays an issued Disabled Parking Permit or license plate.

19.0 TRAFFIC

19.1 VEHICLE USE. No vehicle shall be operated on park property or on any area other than that area specifically designated for the use of such vehicle. Motor vehicles are prohibited on all beaches in Lee County. Violations of any of the provisions in this section shall submit the offending vehicle to removal at owner's risk and expense and to other penalties a provided by law.

19.2 STATE MOTOR VEHICLE LAWS APPLY. No person shall fail to comply with all applicable provisions of the State Motor Vehicle Traffic Laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this and other ordinances.

19.3 ENFORCEMENT OF TRAFFIC REGULATIONS. No person shall fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets, or roads immediately adjacent thereto in accordance with the provisions of these or other applicable regulations.

19.4 OBEY TRAFFIC SIGNS. No person shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control of vehicles.

19.5 SPEED OF VEHICLES. No person shall ride or drive a vehicle within a park at a rate of speed exceeding a posted speed limit:

19.6 OPERATION CONFINED TO ROADS. No person shall drive any vehicle on any road except the paved or graded park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

19.7 REPAIRS OR WASH VEHICLES. No person shall repair or wash vehicles, except to make minor repairs in the event of a breakdown.

20.0 ~~19.1~~ BICYCLES

CONFINED TO ROADS. No person shall ride a bicycle, scooter, skateboard, or roller blades/skates on other than a paved vehicular road or a path designated for that purpose.

OPERATION. ~~All No persons shall ride a bicycle in a safe manner as directed by the Florida Statutes Chapter 316, to include Florida Statutes Section 316.2065, other than on the right-hand side of the road, as close to the edge thereof as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting.~~

RIDER PROHIBITED. No person shall ride any other person on a bicycle which is designed for use by only one person.

DESIGNATED RACKS. No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

IMMOBILE. No person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

20.1 MOUNTAIN BIKING

This activity shall be limited to areas specifically designated for this sport.

NIGHT OPERATION. ~~No person shall ride a bicycle on any road between 20 minutes after sunset and before 20 minutes before sunrise without an attached~~

~~headlight plainly visible at least two hundred (200) feet in front of and without a red tail light or red reflector plainly visible from at least thirty (30) feet from the rear of, such bicycle.~~

20.2 ~~19.1(a)~~ ROLLER BLADES, ROLLER SKATES, SCOOTERS, SKATEBOARDS

No person shall use roller blades, roller skates, scooters or skateboards on other than a paved vehicular road or path designated for that purpose. Roller blades, roller skates, scooters, and skateboards must be used only in areas specifically designated for that purpose.

21.0 ~~19.2~~ VESSEL CONTROL

Any person operating a vessel shall be governed by rules and regulations in Lee County Ordinance 90-51 and as further amended and restated in Lee County Ordinance 96-22. In addition, the following specific regulations shall apply to parks.

OPERATION IN "SWIMMING ONLY" VESSEL EXCLUSION AREAS. No person shall operate any vessel within 500 feet of a park designated by posting as "Swimming Only." Official patrol rescue craft, other official craft, and craft operating under emergency conditions shall be exempted from the provisions of this article while performing their official duties or operating in an emergency.

OPERATION OF VESSELS OUTSIDE "SWIMMING ONLY" VESSEL AREAS. For areas not posted as "Swimming Only" exclusion area, no person shall operate a vessel at a speed in excess of idle speed in any waters within 500 feet of a park.

LAKES PARK. The BOCC has adopted, as a matter of operating policy, that the use of boats powered by internal combustion engines are prohibited in the Lakes Park system. The sole exception being at least one power boat for safety and security reasons, which will be operated by County staff only, at minimal power, approximately 40 horsepower and possible additional rescue boats for emergencies. Electric boats necessary for the operation of this park will be permitted.

LAUNCHING/RETRIEVAL OF VESSELS. No person shall launch or retrieve a vessel from any park property which is not designated specifically for that purpose.

PUBLIC DOCKS. No person shall use public docks for any purpose other than those as specified in the Parks and Recreation Policies and Procedures Manual.

PROHIBITION DURING CLOSED HOURS. No person shall launch, retrieve, dock or operate any vessel within a park or littoral waters after the park is closed.

22.0 ~~20.0~~ SANITATION

POLLUTION OF WATERS. No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, marsh, swamp, stream, bay, gulf or other body of water in or adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid.

REFUSE AND TRASH. No person shall bring in or dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse, or other trash such as debris from beach raking. No such materials shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such materials shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

23.0 ~~24.0~~ PARK RULES AND OPERATING POLICY

All persons having entered on or into any part of any park within Lee County shall be governed by this Ordinance, the reasonable rules and regulations approved by the Board of County Commissioners and issued and published by the Department and by orders, directions and instructions of the Department implementing this Ordinance or the approved rules.

HOURS. Except for unusual and unforeseen emergencies and designated holidays, parks shall be open to the public every day of the year. The opening and closing hours for each individual park shall be posted therein for public information.

CLOSED AREAS. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise). Parks may be closed entirely or for certain uses, as the Director shall find reasonably necessary to protect the environment or public health, welfare and safety.

PERMIT. A permit shall be obtained from the Director before participating in any activity within a park for which a permit is required hereunder or by Department Policies and Procedures Manual, or for any special event.

APPLICATION. A person seeking issuance of a permit hereunder shall file an application with the Director. The application shall state:

- (a-1) The name and address of the applicant;
- (a-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
- (a-3) The day, hours and purpose for which the permit is desired;
- (a-4) The park or portion thereof for which such permit is desired;
- (a-5) An estimate of the anticipated attendance;
- (a-6) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder;
- (a-7) If a facility is to be rented, applicant will comply with Facility Reservation Restrictions and execute a permit in compliance with Reservation and Use Policy and Procedures.

STANDARDS FOR ISSUANCE. The Director may issue a permit unless he/she finds that there is reasonable probability:

- (b-1) That the proposed activity or use of the park will interfere with or detract from the general public enjoyment of the park;

(b-2) That the proposed activity and use will interfere with or detract from the promotion of public health, welfare, safety and recreation;

(b-3) That the proposed activity or use is anticipated to incite violence, crime or disorderly conduct;

(b-4) That the proposed activity will entail unusual, extraordinary or burdensome expense or police operation by the County or by any City within which the park is located, given the nature of the proposed activity for which the permit is desired;

(b-5) That the facilities desired have been reserved for other use at the day and hour required in the application;

(b-6) That the proposed activity is not in compliance with Facility Reservation Policy and Procedures and Rental use, if applicable.

The Director may place reasonable conditions on permits issued and/or may refer the permit application to the Board of County Commissioners for its approval in lieu of issuance or rejection of a permit hereunder.

EFFECT OF PERMIT. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.

LIABILITY OF PERMITTEE. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit

shall have been issued. Proof of insurance shall be required for events when the Director decides it is necessary.

REVOCATION. The Director shall have the authority to revoke a permit upon finding of violation of any rules or ordinance or upon good cause shown.

24.0 ~~22.0~~ PENALTY

Violation of the provisions of this Ordinance or failure to comply with any of the requirements herein, shall be prosecuted in accordance with Section 125.69, Florida Statutes. Any person who violates this Ordinance or fails to comply with any provisions shall, upon conviction thereof, be punished by a fine not to exceed \$500 or as set forth in the fee schedule (attached as Exhibit "A") or imprisonment in County jail not to exceed 60 days or both, as provided by law, and in addition shall pay all costs and expenses incurred by the County in prosecuting the case.

In certain cases, restitution may be sought in lieu of fine and/or imprisonment.

24.0 ~~22.4~~ EXPULSION

Any person violating any of the provisions of this Ordinance shall be subject to expulsion from the park.

25.0 ~~23.0~~ EFFECT

The provisions of this Ordinance, except as set forth herein, shall be deemed cumulative, supplemental and alternative authority for the exercise of the powers provided for herein. This Ordinance shall not be construed as repealing or superceding any other Ordinance or law except as specifically provided below.

26.0 ~~23.4~~ CONFLICT

In the event that any provision in this Ordinance is found to be contrary to any other existing Lee County Ordinance covering the same subject matter, then in said event the more restrictive shall apply.

27.0 ~~24.0~~ SEVERABILITY

The provisions of this Ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

28.0 ~~25.0~~ EFFECTIVE DATE

This Ordinance shall take effect as provided by law.

29.0 ~~26.0~~ 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 Lee County Code and that sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions and regardless of whether such inclusion in the Code is accomplished. Sections of this Ordinance may be renumbered or relettered and the correction of typographical errors which do not affect the intent may be authorized by the County Manager or his or her designee,

without need of Public Hearing, by filing a corrected or recodified copy of same with the Clerk of the Circuit Court.

30.0 ~~27.0~~ REPEALER CLAUSE

By enactment of this Ordinance, Lee County Ordinances 75-2, 75-18, 78-3, 83-27, and 86-29 are hereby repealed on the effective date of this Ordinance and of no further legal effect.

SECTION THREE. INCLUSION IN CODE.

It is the intention of the Board of County Commissioners that the provisions of this amending ordinance shall become and be made a part of Lee County Code; and that the sections of this amending ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase in order to accomplish such intentions.

SECTION FOUR. CONFLICTS.

Whenever the requirements or provisions of this amending ordinance are in conflict with the requirements or provisions of any other lawfully adopted ordinance or statute, the most restrictive requirements shall apply.

SECTION FIVE. SEVERABILITY.

The provisions of this amending ordinance are severable, and it is the intention of the Board of County Commissioners of Lee County, Florida to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the

legislative intent of the Board of County Commissioners that this ordinance would have been adopted had such unconstitutional provision not been included herein.

SECTION SIX. PENALTY.

~~Any person who violates any section of this ordinance shall be guilty of a second-degree misdemeanor punishable as provided by law. The Board of County Commissioners may institute in any court of competent jurisdiction action to prevent, restrain, correct or abate any violation of this ordinance or any order or ruling made in connection with its administration or enforcement by way of mandatory injunction or otherwise, as deemed proper by the court. In certain cases restitution may be sought in lieu of fine and/or imprisonment.~~

SECTION SEVEN. EFFECTIVE DATE.

This ordinance shall become effective immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that the ordinance has been filed.

THE FOREGOING ordinance was offered by Commissioner Janes, who moved its adoption. The motion was seconded by Commissioner Coy and upon being put to a vote, the vote was as follows:

| | |
|-------------------|-------|
| ROBERT JANES | _____ |
| DOUGLAS ST. CERNY | _____ |
| RAY JUDAH | _____ |
| ANDREW COY | _____ |
| JOHN ALBION | _____ |

DULY PASSED AND ADOPTED this ____ day of _____, 2002.

ATTEST:

CHARLIE GREEN
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman

LEE COUNTY ATTORNEY'S OFFICE
APPROVED AS TO FORM:

By: _____
County Attorney

**SCHEDULE OF FINES FOR VIOLATION OF
LEE COUNTY ORDINANCE 01-01**

| <u>Section #</u> | <u>Offense</u> | <u>1st Offense</u> | <u>2nd Offense</u> | <u>3rd Offense</u> |
|------------------|--|--|-------------------------------|-------------------------------|
| 2.1 (c) | Refusing to Accept/sign citation | 2 nd Degree Misdemeanor Up to \$500.00 Or 60 Days | | |
| 2.2 | Opposing/Resisting Ranger | 2 nd Degree Misdemeanor Up to \$500.00 Or 60 Days | | |
| 4.0 | Defacing Park Property | 100.00 | 200.00 | 500.00 |
| 4.1 | Restrooms/Washrooms | 75.00 | 150.00 | 300.00 |
| 5.0 | Use of County Recreation Centers and Community Buildings | 75.00 | 150.00 | 300.00 |
| 6.0 | Removal Of Natural Objects | 50.00 | 100.00 | 150.00 |
| 7.0 | Protection of Vegetation | 75.00 | 150.00 | 300.00 |
| 7.1 | Climbing Trees | 50.00 | 100.00 | 150.00 |
| 8.0 | Fire Control | 100.00 | 200.00 | 500.00 |
| 9.0 | Protection and Preservation of Wildlife | 75.00 | 150.00 | 300.00 |
| 9.1 | Introduction of Species | 100.00 | 150.00 | 300.00 |
| 9.2 | Weapons | 100.00 | 200.00 | 500.00 |
| 10.0 | Bathing and Swimming | 75.00 | 150.00 | 300.00 |
| 10.1 | Nudity | 100.00 | 200.00 | 500.00 |
| 11.0 | Fishing | 75.00 | 150.00 | 300.00 |
| 12.0 | Picnicking | 50.00 | 100.00 | 300.00 |
| 12.1 | Camping | 75.00 | 150.00 | 300.00 |
| 12.2 | Games/Activities | 50.00 | 100.00 | 300.00 |
| 12.3 | Horseback Riding | 50.00 | 100.00 | 150.00 |
| 14.0 | Domesticated Animals | 100.00 | 200.00 | 500.00 |
| 15.0 | Concessions, Vending and Peddling | 100.00 | 200.00 | 300.00 |

EXHIBIT "A"

| <u>Section #</u> | <u>Offense</u> | <u>1st Offense</u> | <u>2nd Offense</u> | <u>3rd Offense</u> |
|------------------|----------------------------------|---|-------------------------------|-------------------------------|
| 15.1 | Advertising and Commercial Signs | 100.00 | 200.00 | 500.00 |
| 16.0 | Behavior | | | |
| 16.1 | Sleeping | 50.00 | 100.00 | 200.00 |
| 16.2 | Fireworks | 100.00 | 200.00 | 500.00 |
| 16.3 | Reservation | 75.00 | 150.00 | 300.00 |
| 16.4 | Alms | 100.00 | 200.00 | 500.00 |
| 16.5 | Smoking | 50.00 | 100.00 | 200.00 |
| 16.6 | Closed Area | 75.00 | 150.00 | 300.00 |
| 16.7 | Games of Chance | 50.00 | 100.00 | 200.00 |
| 16.8 | Surf or Ski | 75.00 | 150.00 | 300.00 |
| 16.9 | Signs | 75.00 | 150.00 | 300.00 |
| 17.0 | Loitering and Boisterousness | 75.00 | 150.00 | 300.00 |
| 17.1 | Exhibit Permits | 75.00 | 150.00 | 300.00 |
| 17.2 | Interference with Permittees | 75.00 | 150.00 | 300.00 |
| 17.3 | Intoxicating Beverages | 75.00 | 150.00 | 300.00 |
| 18.0 | Parking | As Designated by Ordinance No. 91.29 | | |
| 19.0 | Traffic | 75.00 | 150.00 | 300.00 |
| 20.0 | Bicycles | 50.00 | 100.00 | 200.00 |
| 20.1 | Mountain Biking | 50.00 | 100.00 | 200.00 |
| 20.2 | Roller Blading | 50.00 | 100.00 | 200.00 |
| 21.0 | Vessel Control | 100.00 | 200.00 | 500.00 |
| 22.0 | Sanitation | 100.00 | 200.00 | 500.00 |

EXHIBIT "A"

**LEE COUNTY, FLORIDA
FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT
PROPOSED COUNTY ORDINANCE:**

**II. Fiscal Impact on County Agencies/County Funds.
(This section to be completed by Division of Budget Services)**

- A. What is estimated Demand? (Develop Indicators) N/A
- B. What is estimated Workload? (Develop Indicators) N/A
- C. What are estimated costs?

| | <u>1st Year \$'s</u> | | <u>2nd Year \$'s</u> | |
|----------------|----------------------|------------|----------------------|------------|
| | <u>Existing</u> | <u>New</u> | <u>Existing</u> | <u>New</u> |
| Personnel | N/A | | N/A | |
| Fringe | N/A | | N/A | |
| Operating | N/A | | N/A | |
| Capital Outlay | N/A | | N/A | |
| Total | N/A | | N/A | |

D. List the anticipated revenues to cover costs identified in II, C, above. If a fee is to be charged, answer the following:

- 1. What is the basis (rationale) for the fee? See #3
- 2. Do the anticipated fees cover the full cost of operation? If not, what percentage of the costs are covered? NO

E. Give a brief narrative analysis of the information contained in II, A-D, above.

The purpose of this amendment is to provide the Park Ranger Staff the same authority level as Code Enforcement Officers for writing citations for infractions dealing with misconduct in county parks.

A proposed fee schedule will not be utilized as a revenue generator, but rather, as a deterrent to errant behavior. The park ranger staff will issue warnings whenever appropriate, unless recurring behavior is exhibited.

/ajb

to K. Brown 2/27/12
3:00

LEE COUNTY, FLORIDA

FINANCIAL & ADMINISTRATIVE IMPACT STATEMENT

PROPOSED COUNTY ORDINANCE:

NAME OF ORDINANCE: Regulation of Activities in County Parks

A. Statement of Purpose

Providing for the establishment and authority of the park rangers to enforce park regulations.

B. Narrative Summary of Ordinance (Several Sentence Summary)

An ordinance amending Lee County Ordinance 90-56 as amended by 01-01 to provide for code enforcement in County parks by Park Rangers.

C. Principal Division(s) or Department(s) Affected (List)

Lee County Parks and Recreation
Animal Services (dogs on beach)