

ORDINANCE NO. 23-121

**AN ORDINANCE OF MANATEE COUNTY, FLORIDA,
RELATING TO THE REGULATION OF SPORTS AND
LEISURE SERVICES AND NATURAL RESOURCES;
AMENDING CHAPTER 2-24 OF THE MANATEE COUNTY
CODE TO REGULATE THE USE OF PARKS BY THE
PUBLIC; PROVIDING FOR CODIFICATION; PROVIDING
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE
DATE.**

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County to provide parks, preserves, recreation areas and other recreation and cultural facilities for the citizens of Manatee County; and

WHEREAS, Manatee County owns and operates parks that are dedicated to active and passive recreation, including conservation lands, golf courses, docks and boat ramps, and beaches; and

WHEREAS, the Board of County Commissioners periodically adopts ordinances governing and updating certain aspects of these recreational areas and facilities, the most recent update being Manatee County Ordinance No. 08-48; and

WHEREAS, the Sports and Leisure Services Department and the Natural Resources Department have identified various provisions of the Manatee County Code of Ordinances ("Code") which should be amended and updated to better reflect today's current operations, to maximize the public benefit of Manatee County's parks and preserves, and to provide a streamlined approach for recreational activities and services; and

WHEREAS, the Board of County Commissioners of Manatee County finds that amending various provisions of Chapter 2-24 of the Code is in the best interest of the County, its citizens and taxpayers and will serve to protect the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Manatee County:

Section 1. Chapter 2-24 of the Code is hereby amended as set forth in attached Exhibit "A" to this Ordinance (underlined text added, ~~strike-through~~ text deleted).

Section 2. Pursuant to Section 125.68(1), Florida Statutes, the codifier of the Code, Municipal Code Corporation, shall codify the substantive amendments to the Code contained in Section 1 of this Ordinance as provided therein, and shall not codify any other sections not designated for codification.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. This Ordinance shall take effect immediately upon filing with the State of Florida Department of State.

DULY ADOPTED with a quorum present and voting this _____ day of _____, 2023.

**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: _____
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: _____

Deputy Clerk

EXHIBIT "A"

Chapter 2-24 of the Manatee County Code is hereby amended as follows:

Chapter 2-24 – SPORTS AND LEISURE SERVICES AND NATURAL RESOURCES

ARTICLE I. - DEFINITIONS AND GENERALLY APPLICABLE REGULATIONS

Sec. 2-24-1. - Area of applicability.

Unless otherwise specified, this chapter shall be applicable to and govern all county-owned or county-operated parks within Manatee County, Florida.

(Ord. No. 07-60, § 3, 6-12-07)

Sec. 2-24-2. - Definitions.

The following definitions apply to this chapter:

~~Assembly means a group of persons gathered together for some purpose such as deliberation, legislation, worship or entertainment.~~

Barge means a vessel that does not have living quarters, is not propelled by its own power, and is designed to be pushed or pulled by another vessel on water.

Beaches include, but are not limited to, those lands maintained and supervised by Manatee County, and the waters immediately surrounding them, including Anna Maria Bay Front, Manatee County Public Beach, Cortez Beach, Coquina Beach, Greer/Beercan Island, Coquina Bayfront, and Leffis Key.

Beach patrol means that branch of the Manatee County Public Safety Department responsible for providing lifeguard, first aid and rescue services at Manatee County beaches.

Commercial means an activity or use that is undertaken to generate income or potential income in connection with a for-profit enterprise or entity.

Commercial loading dock means the area adjacent to and along the seawall located at 2651 Gulf Dr. South.

Concessionaire means any authorized business entity that provides instructional services, recreational activities, food and/or beverages services, or sells souvenirs at a Manatee County park.

Demonstration means an assembly of ten (10) or more persons.

Designated public official means an official designated to supervise certain activities within a Manatee County park. That official may include a law enforcement officer, a code enforcement officer, a park ranger, an employee with management or oversite responsibility over a county park, security personnel for any county park, or a beach lifeguard.

Director means the county administrator Deputy Director of Sports and Leisure Services, Department Director, Deputy County Administrator, County Administrator, or such other person(s) as may be designated as such by the county administrator.

Game shall mean deer, squirrel, rabbits, wild hogs, ducks, rails, coots, snipe, woodcock, wild turkeys, quail, doves and other animals identified in the rules promulgated by the Florida Fish and Wildlife Conservation Commission.

Groins mean the four (4) three (3) pier-like erosion control structures owned by Manatee County, one at the Manatee County Beach in the City of Holmes Beach and three (3) at Cortez/Coquina Beach in the City of Bradenton Beach.

Hunting seasons shall mean those hunting seasons established for the southwest region by the Florida Fish and Wildlife Conservation Commission.

Large scale event means an event involving more than fifty (50) individuals.

License and stamp fees shall mean those license and stamp requirements mandated by the fish and wildlife conservation commission regarding hunting.

Moor or Mooring means the act of docking, beaching, landing, intentional grounding, tying-off or otherwise securing a vessel. Moor or Mooring does not include anchoring.

Marine rescue division means that branch of the Manatee County Public Safety Department responsible for providing lifeguard, first aid and rescue services at Manatee County beaches.

Park means a park, golf course, playground, beach, recreational center, recreation area, conservation area, preserve or any other area in the county, owned or used by the county, and devoted to active or passive recreation, as designated by the board of county commissioners, and includes all entryways, parking lots, pools, water bodies, maintenance structures and similar areas or structures within or adjoining such parks.

Person means any natural person, or nongovernmental legal entity or organization of any kind.

Special event means a planned use, program, or activity, open to the public planned and implemented by a person, association, or organization, other than Manatee County, involving people gathered for a designated activity other than normal park/beach activities of swimming, picnicking, or sports activities. Examples of a special event include, but are not limited to, organized sport tournaments, weddings, individual or group instruction, educational seminars, music concerts, and any activity where admission is charged to the general public.

Vehicle means 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, but shall not include any baby carriage, motorized or nonmotorized wheelchair, or other device required to allow reasonable access to parks or park facilities for persons with disabilities.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 1, 3-25-08)

Sec. 2-24-3. - Park property.

(1) *In general.* The following provisions apply to all county parks, including parking, office and related support areas:

(a) *Proper use of property and facilities.* No person shall willfully mark, deface, disfigure, injure, tamper with, inhibit the function of, vandalize, or remove, any building, bridge, table, bench, fireplace, railing, paving or paving material, water line or other public utility or part or appurtenance thereof, sign, notice or placard, whether temporary or permanent, monument, stake, post, or other boundary marker, or other park structure, equipment, facility, fixture, property or appurtenance whatsoever, either real or personal, without the director's consent.

(b) *Removal of natural resources.* No person shall dig, damage, remove, displace or destroy any beach sand, whether submerged or not, or any soil, rock, stone, tree, shrub or plant, or down-timber or other wood or material, or excavate by tool, equipment, blasting, or other means without first obtaining a permit from the director. Exception is made for the building of sand castles or other sand sculptures, except that the sand used for such activities must not be moved from the general vicinity of its source. The area must be returned to its original state after use. The removal of any live, non-game fish from park property is prohibited. Removal of shells is limited to a one (1) gallon bucket per person per day.

(c) No holes on beach.

1. No person shall possess on or about the sandy gulf beach a metal shovel of the type customarily sold in hardware stores (not a children's toy) unless part of a construction project permitted under the Florida Building Code or similar law.

2. No person shall dig a hole in the sandy Gulf beach deeper than one (1) foot below surrounding grade unless part of a construction project permitted under the Florida Building Code or similar law.

(d) *Erection of structures.* Other than construction authorized by the county, no person shall construct or erect any building or structure of whatever kind, whether permanent or temporary, which requires disruption to the ground by digging, driving of stakes into the ground, or otherwise, nor shall such person run or string any utility into, upon, or across such lands, except on special written permit issued hereunder by the director.

(2) *Trees, shrubbery and other vegetation.* The following provisions apply to all vegetation in county parks, including parking, office and related support areas:

(a) *Injury and removal.* No person shall damage, cut, carve, plant, transplant or remove any tree or plant. Other than in locations clearly designed for such uses, including defined paths and open fields, no person shall dig in or otherwise disturb grass, flower or plant areas, or in any other way injure or impact the natural beauty or usefulness of any landscaped area.

(b) *Climbing trees or fixtures.* No person shall climb any tree, or walk, stand or sit upon monuments, vases, fountains, railing, fences, groins, lifeguard towers, or upon any other structure or improvement in a park property not designated or designed for such purposes.

(c) *Hitching of animals.* No person shall tie or hitch a horse or other animal to any tree, plant or park fixture not designed or designated for such purpose.

(3) *Wild animals, birds, etc.* Unless specifically authorized by the county or to prevent imminent harm to a person's life or safety, no person shall hunt, molest, harm, capture, frighten, feed, kill, trap, chase, tease, shoot, or throw objects at any animal, reptile or bird; nor shall any person remove or have in his possession the young or eggs or nest of any such animal, reptile, or bird. The county may permit hunting and/or fishing in certain designated and controlled park areas.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 2, 3-25-08)

Sec. 2-24-4. - Sanitation.

(1) *Pollution of waters.* No person shall throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay 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, which will or may result in the pollution of said waters or which does not naturally occur or appear there.

(2) *Refuse and trash.* No person shall dispose of any paper, waste, garbage, trash cigarette butts, debris, or other litter of any kind on any county owned or operated park, beach or recreation area except in proper receptacles. Only such paper, waste, garbage, trash, debris or other litter as may have been created or accumulated in the use of a park, beach or recreation area shall be disposed of in such receptacles. Where receptacles are not so provided, all such material shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

(Ord. No. 07-60, § 3, 6-12-07)

Sec. 2-24-5. - Traffic.

- (1) *State motor vehicle laws apply.* In addition to the provisions of this chapter or any other county ordinance, no person shall fail to comply with all applicable provisions of the state motor vehicle traffic laws, including laws on equipment and operation of vehicles and obeying traffic signs, in any county park.
- (2) *Enforcement of traffic regulations.* No person in a park shall fail to obey the direction of any law enforcement officer or county employee, such persons being hereby authorized and instructed to enforce traffic regulations whenever and wherever needed in the parks and on the highways, streets, trails or roads immediately adjacent thereto.
- (3) *Speed of vehicles.* No person shall operate a vehicle in a park at a rate of speed exceeding fifteen (15) miles per hour. The director is authorized to designate, by posted signs, a higher rate for such roads or portions thereof as the director may determine necessary and safe.
- (4) *Operation confined to roads.* No person shall drive any vehicle on any park land except paved or graded roads or parking areas, or such other areas as may on occasion be specifically designated by the director as temporary parking areas. Nothing herein is intended to prohibit necessary operation of law enforcement or maintenance vehicles in parks.
- (5) *Repair or wash vehicles.* No person in a park shall repair, change oil, wash, or wax vehicles, or campers, except to make minor repairs in the event of a breakdown.
- (6) *Parking and parking lots.*
 - (a) *Designated areas.* No person shall park a vehicle other than in a designated parking area or undesignated/temporary overflow area in accordance with posted directions or under instruction of any law enforcement or attendant who may be present to direct parking.
 - (b) *Night parking.* No person in the park shall leave a vehicle standing or parked after park closing hour except in parking areas designated and posted for such purposes. Trailered vessels, whether or not attached to a vehicle, and unattached trailers of any kind shall not be parked overnight in any county park.
 - (c) *Double-parking.* No person in the park shall double-park any vehicle on any road or parkway, or block any emergency entrances, unless so directed by a park official.
 - (d) *Use of parking lots.* Other than in designated RV lots, no person other than staff, emergency or law enforcement personnel may remain indefinitely in any designated parking lot, either within or outside of a vehicle, after the vehicle has been parked upon arrival or loaded for departure. No person shall use a parking lot to store or stage vehicles, vessels or trailers of any kind while not actively engaged in the use of or an activity involving the county park for which the parking lot serves.
 - (e) *Unattended pets.* No person may leave any pet unattended in, on or under a parked vehicle in any parking lot. Nothing herein shall preclude a person from using a service animal as provided for in Section 413.08, Florida Statutes.
- (7) *Bicycles.*
 - (a) *Confined to roads.* No person in the park shall ride a bicycle on other than a paved vehicular road or a path designated for that purpose. Cyclists shall at all times operate their bicycles with reasonable regard to the safety of others and follow bicycle safety standards.
 - (b) *Designated racks.* No person in the park shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (8) *Signage.* The director shall ensure applicable regulations concerning traffic and parking are posted prominently and shall endeavor whenever possible to post such regulations in languages additional to English where historical use patterns demonstrate the need for such additional signage. The director is authorized to post the maximum fine for violation(s) on any such sign.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 3, 3-25-08)

Sec. 2-24-6. - Recreational activities.

(1) *Bathing and swimming.*

- (a) *Designated areas: abide by rules.* No person shall swim, or wade in any beach, water area or pool within any park except at places designated for such activities. Any person engaging in such activities shall comply with the rules established for these areas, including, but not limited to, hours of use and safety limitations for such uses.
- (b) *Structure on beach.* No person shall erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind, except by special written permit granted by the director. Exception is made for portable canopies or umbrellas designed for personal use.
- (c) *Restroom facilities.* No person in the park shall dress or undress on any beach, or other public place, except in enclosed structures as may be provided for that purpose.
- (d) *Instructions.* ~~No Each person in the park shall fail to abide by the instructions of any Designated public official lifeguard, attendant, park employee, ranger or law enforcement officer on duty concerning:~~
 - 1. The playing of games, including flying of kites;
 - 2. Fishing from the beaches or other waterfront areas;
 - 3. Activities in swimming areas regarding personal safety, and the safety of other swimmers; and
 - 4. The closing of the beaches and/or pools due to dangerous conditions; and
 - 5. Any other swimming_bathing or beach activity.

(2) *Boating activities.*

- (a) *Designated areas only.* No person shall bring into or operate in a park any boat, raft, jet ski, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating, docking and launching.
- (b) *Public dock and boat ramp usage.* ~~No person in the park shall use the public docks for dockage or other purpose without first making arrangements for such accommodation with the director, who shall assign space and collect reasonable use or rental charges in conformity with established regulations and rates. Public boat ramps must only be used for their intended and designed purpose, which is the active launching and retrieving of boats or similar watercraft. County public docks and boat ramps shall only be used for their intended and designed purpose, which is the active launching and retrieving of boats or similar watercraft. No person shall use such public docks or boat ramps for storage of any kind, except for such reasonable time as may be necessary to launch or retrieve boats or similar watercraft, which shall not exceed fifteen (15) minutes. Boats, watercraft or floating objects used to travel between land and offshore vessels may not be moored to any part of a public dock or boat ramp unless actively engaged in launching or landing.~~
 - 1. Public docks and boat ramps shall be kept clear of all equipment and gear, except for such reasonable time as may be necessary for loading and unloading.
 - 2. Prohibitions.
 - a. No person shall dive or jump from any county public dock.
 - b. No person shall moor, anchor or otherwise place a boat, watercraft, vessel or floating object in a manner that impedes, restricts or otherwise interferes with the use of public docks, boat ramps or other public facilities, unless actively loading or unloading or as otherwise authorized by the director.

- c. Barges are prohibited from using any public dock or boat ramp, unless otherwise authorized by the director.
- d. Fueling of any vessel from a boat ramp involving the transfer of marine engine fuels from one fuel container to another fuel container while the receiving vessel is moored at a boat ramp, dock or commercial loading dock, unless authorized by the director.

- (c) *Operation of boats.* No person shall navigate, direct, or handle any watercraft in an unreasonable manner so as to be a danger to other persons, wildlife or property, or otherwise interfere with the use or enjoyment of the park by others. All watercraft must be operated in a safe manner and comply with all applicable safety regulations.
- (d) *Mooring over seagrass.* No person shall moor or store a vessel in a manner that adversely affects seagrasses, the submerged bottom, mangroves, or any other marine life.

(3) *Fishing.*

- (a) *Commerce prohibited.* No person shall engage in commercial fishing in park waters navigable waters inside any park or preserve, or the buying or selling of fish caught therein.
- (b) *General prohibition.* No person shall fish in any park waters, whether fresh or salt, and whether by the use of hook and line, net, or other device, except in waters designated by the director for that use and under such regulations and restrictions as have been or may be prescribed by the director and applicable state agencies.
- (c) *Off-shore.* No person shall fish in any park area where swimming is permitted, nor shall any person SCUBA dive within marked swim areas.
- (d) *Fishing from the groins.* Fishing on the three (3) pier-like erosion control structures on Coquina/Cortez beach is allowed past the marked location on the groin. On the north and south sides, drop down fishing only is allowed. Cast fishing is only allowed on the west ends.

(4) *Picnic areas and use.*

- (a) *Regulated.* Unless otherwise designated, all parks are open for picnicking use. However, use of gas or fire grills or cookers shall be limited to areas immediately adjacent to any park pavilion or to other areas designated as fire/cook safe areas. Designated public officials shall have authority to regulate activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all.
- (b) *Availability.* Other than where such facilities have been reserved pursuant to established county procedures, the use of the individual fireplaces together with tables, and pavilions is on a "first come, first served" basis. Park patrons are required to comply with this standard and shall not intimidate, coerce or otherwise cause or seek the abandonment of such facilities by rightful "first come" users.
- (c) *Glass containers.* No glass containers shall be allowed in any park.

(5) *Camping.* No overnight camping of any type shall be allowed at any park, beach, boat ramp or recreation area except in those areas developed and designated for such use, or by special written permit granted by the director.

(6) *Games and remote operated vehicles.* No person in a park 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 aircraft airplanes, or drones (unmanned aircraft systems) except in areas set apart for such forms of recreation.

(7) *Horseback riding.* No person, other than authorized law enforcement or county staff, may ride a horse in a park, except on designated bridle trails.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 4, 3-25-08)

Sec. 2-24-7. - Behavior.

- (1) *Intoxicating beverages.*
 - (a) *Prohibition.* No person in the park shall sell, possess or consume alcoholic beverages, except where it is sold at specifically designated recreation areas where meals or lunches are also sold under county-granted concessions, or at approved special events where the permit authorizes such sale or consumption. The sale of alcoholic beverages by such concessionaire or special event permit holder, agent or sponsor, may be permitted under the strict regulation and control of the director. Sales of alcoholic beverages shall be made only in individual servings and shall be consumed only on the immediate premises of the concession. Persons who fail to comply with this provision will be required to leave the park premises immediately and may be cited for violation of this chapter.
 - (b) *Intoxication.* No person shall enter or remain in a park while under the influence or affected to the extent that the person's normal faculties are impaired due to ~~of~~ intoxicating liquor, controlled substances, or illegal substances.
 - (c) *Enforcement.* Provisions of this section may be enforced by any person having the authority to enforce county ordinances. Nothing in this section shall prohibit the county sheriff from exercising the authority granted in Section 30.07, Florida Statutes, to appoint individuals as deputies for the purpose of enforcing this section.
- (2) *Fireworks and explosives.* In the absence of a duly issued permit under the Manatee County Fireworks Law, located at sections 2-21-86 through 2-21-91 of this Code, and the permission of the director, no person shall possess or set off any fireworks or explosives in any park.
- (3) *Pets prohibited.* Other than authorized staff or law enforcement personnel, no person shall bring or introduce into a park any off-leash dog, cat, snake or other animal other than in those areas specifically designated for activities involving such animals. Notwithstanding the foregoing, a person may bring a dog into any park, so long as the dog remains on a leash and under the owner's control at all times, except for county beaches (including adjacent sidewalks, paths, trails, and RV and general parking areas), athletic fields, or any other area posted "no dogs allowed." Such owners are responsible for removal and disposal of any waste. Nothing herein shall preclude a person from using or training a service animal in a park as provided for in Florida Statute Section 413.08. Any person in possession of such animal is responsible for controlling the animal and cleaning up and properly disposing of any waste. At no time shall such animals be left unattended.
- (4) *Use of facilities.* No person over the age of six (6) years shall use a restroom, shower or similar area designated for the opposite sex. Use of such facilities designed and signed as accessible to persons with disabilities shall be avoided wherever possible by persons not requiring their use so they may be readily available to persons with disabilities.
- (5) ~~*Solicitations.* No person shall sell, peddle, or otherwise solicit park patrons or visitors on park property, whether public or private, without the express written permission of the director.~~
- (6) *Fires.* Fires are prohibited in any county park, except in such grills, fireplaces, barbecue pits or other similarly designed fire-safe facilities or areas.
- (67) *Surf, or ski, or kite surfing.* Surfing, or skiing, or kite surfing in park waters is permitted outside of designated 'swim only' areas or any areas designated by sign or verbally by designated officials as "no surfing, or skiing, or kite surfing".
- (7) *No Hydrofoil Surfboards*
- (8) *Signs to be obeyed.* No person shall engage in any activity expressly prohibited by a posted sign, nor damage, remove or obstruct any such sign.

(9) *Permits to be exhibited.* Persons issued any park-related permit must have such permit on hand during the permitted use, and shall produce same upon request by law enforcement or designated park officials.

(10) *Skating.* Skating of any type, including in line, boards or other, shall be permitted on any park trail unless the trail is specifically designated as prohibiting such activities.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 5, 3-25-08)

Sec. 2-24-8. - Vending and posting of signs.

(1) *Vending and peddling.* No person shall ~~offer for sale any services, sell any article or thing; nor place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing, in any park unless authorized to do so by a county-issued license, permit, or concession under the authority and regulation of the director.~~

(2) *Signs and handbills.* No person shall distribute handbills or circulars, or post any sign, placard, advertisement, or similar item; nor erect or cause to be erected any sign whatever in any county park. Special event directional or other similar temporary signs may be permitted by the director and must be promptly removed after the special event.

Sec. 2-24-9. – Large scale event and Speech Activity Demonstrations.

(1) *Permit required.* Large scale event(s) within a park is Park demonstrations are prohibited prior to obtaining a permit from the director.

(a) *Additional regulations not covered.* The issuance of a permit under this chapter shall not excuse an applicant from the need to comply with any additional federal, state or municipal permitting or other regulatory requirements associated with the permitted activity.

(b) The purpose of this permit system is to coordinate multiple uses of the limited space and to assure preservation of the parks to prevent uses that are dangerous or unlawful or inconsistent with the department's rules and regulations, to enforce proper security, and to assure financial accountability for damages caused by an event. The director shall have the authority to establish guidelines and procedures (including regulating reasonable time, place and manner restrictions) for the permitting of large scale events at county parks in accordance with this section in a content neutral manner.

(b)(c) *Applicable standard of review.* Permits shall not be unreasonably withheld. In deciding whether to grant such a permit the director shall consider:

1. Whether the ~~demonstration large scale event~~ will interfere with previously scheduled activities or the use of previously reserved space or facilities;
2. Whether the ~~demonstration large scale event~~ will ~~present an unreasonable danger to the endanger the health or safety of the applicant, county employees, general public, or participants of the large scale event; or property of any person;~~
3. Whether the applicant or the person whose behalf the application for permit was made has ~~on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the parks department;~~
34. Whether the ~~demonstration large scale event~~ will disrupt the performance of the regular duties of county employees ~~or previously planned programs organized and conducted by the parks department and previously scheduled for the same time and place; and~~
45. Whether the ~~demonstration large scale event~~ can be held in a specific park or area of a park without unreasonably interfering with the use of park facilities by others;
56. Whether the application contains material falsehoods or misrepresentations;

7. Whether the applicant is legally incompetent to contract or to sue and be sued;
8. Whether the use or activity proposed by the applicant is prohibited by law, court order, by this article or any other ordinances of the county;
9. Whether application for permit (including any required attachments and submissions) is not fully completed and executed;
10. Whether the applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit within the time prescribed by the permit application; and
11. Whether the applicant has not complied or cannot comply with applicable licensure requirements, ordinances, or regulations of the parks department concerning the sale or offering for sale of any goods or services;

~~(e)(d) Appeal.~~ Any person denied a permit may file an appeal to the county administrator within ten (10) days of the denial of the permit. The county administrator shall promptly hear the appeal and issue a decision in writing within twenty (20) days of the appeal.

~~(2) Enforcement.~~ Any large scale event that is held at a county park without a permit from the director or in violation of this section may be considered a trespass. Nothing in this section shall prohibit the county sheriff from exercising the authority granted in Section 30.07, Florida Statutes, to appoint individuals as deputies for the purpose of enforcing this section. Law enforcement officers or appropriate county staff Designated public officials shall have authority to control any permitted large scale events demonstration in any park under the terms of the permit issued.

(Ord. No. 07-60, § 3, 6-12-07)

Sec. 2-24-10. - Operating policies.

- (1) *Hours.* Except in unique or emergency situations, parks shall be open to the public during designated and conspicuously posted hours as determined by the director. Unless otherwise posted, hours of operation for all county parks shall be from sunrise to sunset.
- (2) *Closed areas.* Any park or part thereof may be declared closed to the public by the director or other designated public official at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) as the director shall find reasonably necessary. Unauthorized persons who remain in a closed park, or part or section thereof, after closing may be prosecuted for trespassing.
- (3) *Additional rules.* The director may administratively adopt, amend or rescind rules or procedures regulating the use, operations or staffing of parks or facilities not inconsistent with this chapter if such rules or procedures are deemed by the director to be in the best interest of the public health, safety or welfare. Rules or procedures adopted pursuant to the authority granted in this subsection (3) as of the effective date of this subsection (3) shall supersede any prior rules adopted by resolution or otherwise. The county commission may, at its sole discretion, rescind any rule or procedure adopted by the director. If the commission elects to rescind any such rule or procedure, the director shall ensure the policy direction given by the commission is reflected in any subsequently issued rule or procedure on the same subject.
- (4) *Exceptions.* The director may waive enforcement or application of any of the regulations or restrictions contained herein, with respect to particular park areas or in connection with the issuance of permits for particular activities, upon determining that such action will not interfere with the public's health and safety or its full enjoyment of park areas and facilities.

(5) *Permit.* A permit shall be obtained from the director before conducting any activity within a park for which a permit is required herein or in any other county policy. A permit must be obtained for all special events held on park property. The issuance of a permit under this chapter shall not excuse an applicant from the need to comply with any additional federal, state or municipal permitting or other regulatory requirements associated with the permitted activity. The following apply to the permitting process:

- (a) *Application.* A person seeking issuance of a permit hereunder shall file an application with the director on a form promulgated by the director for such purpose. Such form shall require such information as is deemed necessary by the director. An appropriate permit application fee may be established pursuant to section 2-24-12 of this chapter.
- (b) *Standards for issuance.* The director shall issue a permit hereunder within his/her discretion which shall not be based upon any considerations of the class of persons the applicant belongs to or his/her/its political views, nor otherwise be unreasonably withheld. Although a legal entity or organization may apply for a permit, the application shall be executed by a responsible natural person representing such entity or organization.
- (c) *Capacity management.* The director shall establish standards of use for each park property eligible for an event permit. Such standards shall at a minimum set maximum capacities for attendance and parking, and shall take into account the impacts of such events upon abutting neighborhoods and input from law enforcement agencies.
- (d) *Security standards and requirements.* The director shall assess each application for a special event permit and, based upon the time, duration, location, nature, and estimated size of the event, along with expected weather conditions, review by public safety personnel, and other relevant factors, may impose and require permit applicant to pay for a security plan which may include regulated access points, traffic management plans, and the on-site presence of private security, off-duty law enforcement, emergency medical personnel, or other persons necessary to ensure a safe event and the prevention of damage to park property or facilities.
- (e) *Effect of permit.* A permittee shall be bound by all park rules and regulations and all applicable ordinances and laws and same shall be deemed to be conditions of said permits.
- (f) *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 other person or entity whatever by reason of the negligence of the person or persons to whom such permit is issued. The director may, in his or her discretion, condition the granting of a special events permit upon demonstration of adequate insurance naming Manatee County as additional insured where the nature and risk of the event in question warrant such requirement.
- (g) *Revocation or declining to issue permit.* A designee of the director so empowered shall have the authority to revoke a permit or to decline to issue future permits upon a finding of a violation of any law, ordinance or rule, a false application, failure to comply with capacity, security or use restrictions, or upon other good cause shown. The director shall have the authority to review an appeal of any revocation or subsequent denial action by the designee, and shall within thirty (30) days of the appeal, issue a decision. The director is authorized to develop procedures and forms to facilitate an appeal process.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 6, 3-25-08)

Sec. 2-24-11. – Licensing and permitting of concessions of concessions and permitting of vending activities.

(1) *License or permit required.* Private vendors concessionaires providing concession services or activities in county parks may only do so by obtaining a concessionaire permit for such activity or a franchise license agreement and paying a franchise license fee in accordance with the requirements

of this section and the Sports and Leisure Services Fee Schedule or the Natural Resources Fee Schedule.

- (2) *Determination of board.* Upon a determination by the board of county commissioners that the provision of any goods or services, including but not limited to instructional services, food, beverages, souvenirs, will be of use to park patrons or enhance and promote Manatee County as a unique community, or provide for the comfort in and enjoyment of the use of a particular park in question, the board may, at its discretion, provide for such services through its own employees or by entering into a franchise license agreement or permit with a concessionaire selected in accordance with any applicable requirements of the Manatee County Procurement Code and state law.
- (3) *Terms and conditions to be included in any concessionaire license agreement or concessionaire permit.* The terms and conditions of franchise license agreements and concessionaire permit may be negotiated between the applicants and the director, but shall at a minimum include the following:
 - (a) The days and hours of operation as determined by the county to meet the needs of the park patrons.
 - (b) A clear and specific description of the products that may be sold or service being offered and controls and regulations with respect to the prices that may be charged as deemed necessary by the county.
 - (c) Requirements with respect to the image, ambience, the condition of facilities and equipment made available by the county or furnished by the concessionaire, or quality of service required to reflect a favorable image of the county and provide for the health, safety and welfare of park patrons.
 - (d) The fee required by the county to help defray the costs of operating and maintaining the county's parks.
 - (e) Restrictions that prohibit the transfer or assignment of any franchise license agreement or concessionaire permit except as may be approved within the sole discretion of the board of county commissioners.
 - (f) The rights of the parties to terminate the agreement or permit with adequate notice so the county can provide for the continuation of services.
 - (g) The right of the county to terminate the agreement or permit as may be required for public convenience and necessity.
 - (h) Requirements for submission of proof of insurance in suitable amounts and naming Manatee County as additional insured to cover any claims related to the concession.
 - (i) Such other terms and conditions as the board determines to be necessary, prudent and in the best interest of the county.
- (4) *Franchise Licenses and permits not disposition of surplus property.* It is the policy and intent of the board of county commissioners that any such franchise license agreement shall not be considered the sale, conveyance, leasing or other disposition of property not needed for county purposes as provided in Section 125.38, Florida Statutes.
- (5) *Revenues.* All revenues derived from any license or permit franchise license fees where license fees or other charges are assessed against the concessionaire as a part of any agreement shall be used solely and exclusively for the maintenance and operation of the county's parks. In order to implement this provision, the board of county commissioners may establish a separate fund or may include such revenues in the general fund; however, all revenues generated by the provision of concession services or activities shall be considered each year and allocated as a part of the budget for the operation and maintenance of county parks.
- (6) *Special event Additional vending.* In addition to regularly licensed concessionaires, the temporary vending of food, beverages or any other article shall be limited to special events and activities in accordance with established procedures and according to the terms and limitations of the special

event permit. Special events or activities as used herein refers to fairs, festivals, league play or tournaments, and other activities or events of a unique, short-term or nonregular nature.

- (7) *Access to concession facilities.* No concessionaire may install or operate any concession-related facility without the director's express prior approval, and installation or operation of such facility shall be conditioned on the concessionaire's providing the county with full access to such facility at any time.
- (8) *Existing agreements and permits.* The purpose of this section is to clarify and codify existing policies and practices. Any otherwise valid agreement, concession or permit existing on the date of adoption of this section shall not be impaired or altered and is hereby ratified and confirmed through its expiration.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 7, 3-25-08)

Sec. 2-24-12. - Fees for uses.

Upon recommendation by the director or on its own initiative, the board of county commissioners may from time to time establish, modify, revoke or suspend a schedule of fees related to the uses of county park or recreation facilities, programs or services. Such fees may be expressed as a flat fee, a percentage of income, or a fee range. To the extent a fee range is established, the director shall have the authority to set and adjust the specific fee within the set range as actual costs and market conditions dictate.

(Ord. No. 07-60, § 3, 6-12-07; Ord. No. 08-48, § 8, 3-25-08)

Secs. 2-24-13—2-24-19. - Reserved.

ARTICLE II. - ADDITIONAL REGULATIONS CONCERNING GOLF COURSES

Sec. 2-24-20. - Public golf courses.

- (1) The county may from time-to-time construct, reconstruct, repair, maintain, operate, dispose of and manage one or more public golf courses upon county lands, including land buffering an adjoining land use for the county's public utilities system, provided such use does not interfere with the operation of the system.
- (2) Such public golf courses shall be operated and maintained under the supervision of such department, agency, private person, firm or corporation pursuant to such terms and conditions as deemed by the board of county commissioners to be in the best public interest and in accordance with the provisions of resolutions and covenants pertaining to the financing of the county public utilities system and other applicable provisions of law.
- (3) The board of county commissioners may adopt rules and regulations governing the operation of the public golf courses which are not inconsistent with this chapter by resolution or other permissible means.

(Ord. No. 07-60, § 4, 6-12-07)

Secs. 2-24-21—2-24-24. - Reserved.

ARTICLE III. - ADDITIONAL REGULATIONS CONCERNING BEACHES

Sec. 2-24-25. - Posting of "no trespassing" signs.

The director will cause to be erected one "No Trespassing" sign at the landward edge and one at the seaward end of each groin. The signs will comply with Section 810.011(5)(a), Florida Statutes. When a groin is repaired and rendered safe for public access, the director will remove the signs from that groin.

(Ord. No. 07-60, § 5, 6-12-07)

Sec. 2-24-26. - Diving, jumping or swimming from groins or piers.

It is unlawful and an offense against Manatee County for anyone to enter upon, dive or jump from, or swim under one of the ~~four (4)~~ three (3) groins or any pier. When a groin is repaired and rendered safe for public use, entering upon said groin shall no longer be unlawful; however, diving or jumping from or swimming under it will continue to be unlawful.

(Ord. No. 07-60, § 5, 6-12-07)

Sec. 2-24-27. - Posting of signs related to groin violations.

The director shall cause to be posted below each of the above noted "No Trespassing" signs a smaller sign on the same pole which will give a person of ordinary intelligence fair notice that entering on, diving or jumping from, and swimming under a groin are forbidden by law. This sign will be revised if entering upon a groin is no longer unlawful. The lack of a sign at a given time or location or a violator's failure to read or comprehend a sign shall not be a defense to an alleged violation of this chapter.

(Ord. No. 07-60, § 5, 6-12-07)

Sec. 2-24-28 – Restricting operation of aircraft on county beaches.

Permit required. The landing and takeoff of any size or type of aircraft, including; but not limited to: seaplanes, amphibians, helicopters, ultra-lights, balloons, paragliders, parachutes, parasailers, and hang-gliders is prohibited on county beaches, including marked swim zones and marked idle to shore zones prior to obtaining a permit from the director; notwithstanding emergency situations which legitimately threaten the safety of an aircraft, its occupants or others.

Sec. 2-24-29. - Reserved.

ARTICLE IV. - ADDITIONAL REGULATIONS CONCERNING CERTAIN PARKS

DIVISION A. - DUETTE PRESERVE

Sec. 2-24-30. - Harvesting wild game in Duette Preserve authorized.

The permit-based harvesting of wild game on that certain county property designated as "Duette Preserve" is hereby authorized pursuant to the terms and conditions herein stated.

(Ord. No. 07-60, § 6, 6-12-07)

Sec. 2-24-31. - Hunting permits.

The director is hereby delegated the authority to regulate the issuance of hunting permits, subject to the following:

- (1) The director shall ensure all applicants have successfully completed a state approved hunter safety course;

- (2) Deer, hog and small game hunts will be sold on a first-come, first-serve basis; and
- (3) Turkey hunts will be issued through a random draw.

(Ord. No. 07-60, § 6, 6-12-07)

Sec. 2-24-32. - Utilization of Duette Preserve.

The director shall ensure that the use and enjoyment of Duette Preserve is consistent with those land management agreements currently entered into with the State of Florida, and those laws and regulations promulgated by the Florida Efish and Wildlife Conservation Commission, taking into consideration public safety, environmental concerns, recreation activities, and economic interests of Manatee County and other such concerns which may affect the integrity and safety of Duette Preserve. Hunting shall be permitted at Duette Preserve only during state-established hunting seasons.

(Ord. No. 07-60, § 6, 6-12-07)

Sec. 2-24-33. - Regulations and penalties.

- (1) In addition to any other enforcement provisions in this chapter, the harvesting of wild game in any county property shall also be in accordance with and subject to all applicable federal and state laws and regulations, including, but not limited to, Chapter 372, Florida Statutes, and Title 68A, Florida Administrative Code, which are incorporated herein and made a part hereof, and in addition to any penalties those provisions may provide, violation of same shall also constitute a violation of this chapter.
- (2) The county reserves the right to, and may from time to time, adopt rules pertaining to the harvesting of wild game in Duette Preserve that are more restrictive than minimum rules promulgated by the state.
- (3) County ordinances applicable to county parks, including those in this chapter, shall apply to any conduct in Duette Preserve and violators may be cited accordingly.
- (4) Any person who refuses to obey an order to leave Duette Preserve given by law enforcement or authorized county personnel, whether for lack of a valid county hunting license or other reason, shall be in violation of this chapter and may be referred to law enforcement for violation of Section 810.09, Florida Statutes. If the person refusing to leave is in possession of a dangerous weapon, such referral shall be based upon Section 810.09(2)(c), Florida Statutes.

(Ord. No. 07-60, § 6, 6-12-07)

Secs. 2-24-34—2-24-49. - Reserved.

ARTICLE V. - RESERVED

ARTICLE VI. – RESERVED PARKS AND RECREATION ADVISORY BOARD

Sec. 2-24-50. Creation and membership.

~~The county commission may, by resolution, establish a volunteer "Parks and Recreation Advisory Board." If it does so, the membership shall be seven (7) duly qualified electors of the county. The initial appointment pursuant to the provisions hereof shall be for terms designated as follows:~~

~~Two (2) members shall be appointed for a term of one (1) year;~~

Two (2) members shall be appointed for a term of two (2) years;
Two (2) members shall be appointed for a term of three (3) years; and
One (1) member shall be appointed for a term of four (4) years.

Upon the expiration of these initial terms and at all times thereafter upon the expiration of any such term, the county commission will by resolution appoint persons to serve for a term of four (4) years, so that after the expiration of the initial terms pursuant to the provisions hereof, all subsequent appointments shall be for a term of four (4) years. There shall be no restriction on the number of terms served by any person on the board. To the extent it is deemed feasible by the county commission, each of the members shall be selected from different geographical areas of the county. Upon the inability of any member to serve, due to resignation, removal, death or loss of county elector status, the board of county commissioners shall appoint a replacement to fill the unexpired term.

(Ord. No. 07-60, § 8, 6-12-07)

Sec. 2-24-51. Authority.

The parks and recreation advisory board shall have the authority to:

- (a) Select from its membership a chairman and vice-chairman and, upon advice and review of the county attorney, adopt such rules of procedure as would aid its proceedings and as would not be inconsistent with any current or future procedure rules promulgated by the board of county commissioners to be applicable to advisory boards.
- (b) Upon consultation with assigned county staff, set the time and place of its public meetings. The director is hereby directed to ensure such meetings are properly noticed and comply with the requirements of the Florida Sunshine Act, including maintaining minutes of meetings.
- (c) Consider reports and presentations, render advice and make recommendations to the board of county commissioners and the director concerning the operation, management, funding and maintenance of the county's parks and recreation programs and facilities, including rendering advice and making recommendations concerning the need and feasibility of future park and recreation areas or programs or facilities incidental, useful and necessary therefore.
- (d) Carry out and perform such other duties and services as may be requested by the board of county commissioners from time to time concerning parks or recreational facilities and related activities.

(Ord. No. 07-60, § 8, 6-12-07)

ARTICLE VII. - ENFORCEMENT AND PENALTIES

Sec. 2-24-52. - Designation.

The director is hereby granted the authority to implement and enforce this chapter. The director may designate such other person(s) as he or she may deem necessary and appropriate to exercise any portion of this authority.

(Ord. No. 07-60, § 9, 6-12-07)

Sec. 2-24-53. - Marine rescue Beach patrol personnel as code enforcement officers.

Pursuant to Section 162.21(2), Florida Statutes, the director is authorized to designate certain ~~marine rescue beach patrol~~ personnel as code enforcement officers. Such ~~designated public official~~ ~~designated personnel~~, in addition to their other assigned duties, shall have the authority to enforce this and other county ordinances on county beaches to the full extent permitted by law. ~~The designated public official Personnel so designated~~ may not begin exercising the enforcement authority granted herein prior to the completion of any training or qualification requirements established by the director or otherwise required by law.

(Ord. No. 07-60, § 9, 6-12-07)

Sec. 2-24-54. -Designated public officials Park personnel designated as code enforcement officers.

Pursuant to Section 162.21(2), Florida Statutes, the director is authorized to designate certain ~~designated public officials park personnel~~, including but not limited to park rangers, as code enforcement officers. Such designated ~~public official personnel~~, in addition to their other assigned duties, shall have the authority to enforce this and other county ordinances in county parks to the full extent permitted by law. ~~Personnel so designated The designated public official~~ may not begin exercising the enforcement authority granted herein prior to the completion of any training or qualification requirements established by the director or otherwise required by law.

(Ord. No. 07-60, § 9, 6-12-07)

Sec. 2-24-55. - Law enforcement officers designated as code enforcement officers.

Subject to training and qualification requirements established by the director, the sheriff and his or her deputies, and all state or municipal law enforcement officers, are hereby designated as code enforcement officers for purposes of enforcing the provisions of this chapter within their respective jurisdictions. The director will provide, upon request, copies of its uniform citation notice forms to applicable law enforcement agencies for use in enforcement of this chapter.

(Ord. No. 07-60, § 9, 6-12-07)

Sec. 2-24-56. - Enforcement authority and penalties.

- (1) Any person or entity violating any provision of this chapter or other ordinance may be prosecuted before a court of competent jurisdiction in the manner prescribed by law. Pursuant to Sections 162.21(8) and 162.22, Florida Statutes, violators of this chapter or other ordinance shall be subject to the issuance of a summons and notice to appear and/or arrest, as provided in Chapter 901, Florida Statutes, and upon conviction may be sentenced to pay a fine not to exceed five hundred dollars (\$500.00), a definite term of imprisonment not to exceed sixty (60) days, and the restitution of applicable costs and defender fees as authorized by Section 162.30, Florida Statutes. Each incident or separate occurrence of an act that violates this chapter or other ordinance shall be deemed a separate offense. If an arrest for trespass or other criminal law violation is made by a certified law enforcement officer or deputy sheriff, the sentence upon conviction shall be as prescribed by general law.
- (2) A designated code enforcement officer who has reasonable cause to believe a person has violated a county ordinance will, when practical, first warn the violator to cease the prohibited activity. If the violator refuses, by word or action, to comply, the code enforcement officer may, in his or her discretion, immediately issue a citation and notice to appear. The citation and notice shall conform to the requirements of Part II, Chapter 162, Florida Statutes. For purposes of this chapter, entering upon, diving or jumping from, or swimming under a groin is a serious threat to public health, safety and welfare and absent extraordinary circumstances always result in the issuance of a citation.

- (3) Notwithstanding any of the foregoing, pursuant to Section 162.30, Florida Statutes, and as an alternative to a code enforcement action, violators of this chapter shall be subject to a civil action wherein all manner of civil relief, including injunctive relief, may be sought.
- (4) Nothing in this section shall prohibit the county sheriff from exercising the authority granted in Section 30.07, Florida Statutes

(Ord. No. 07-60, § 9, 6-12-07)

Sec. 2-24-57. - Authority to prohibit trespass.

County personnel authorized to exercise supervisory duties over any county park may place "no trespassing" signs to any closed park areas, may order any person to leave the park, may enforce Manatee County's trespass procedure according to the Manatee County Administrative Procedures Manual and may also request law enforcement to deliver such an order. Any person who refuses to obey such an order to leave shall be in violation of this chapter, the Manatee County trespass procedure, and, in addition to penalties related to the ordinance violation, may be referred to law enforcement for criminal violation of Section 810.09, Florida Statutes. If the person refusing to leave is in possession of a dangerous weapon, such referral shall be based upon Section 810.09(2)(c), Florida Statutes.

(Ord. No. 07-60, § 9, 6-12-07)