

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA**

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 17 BEACHES, PARKS, AND RECREATION; ARTICLE 1 IN GENERAL; SECTION 17.9. RULES AND REGULATIONS FOR MARTIN COUNTY PARKS TO RESCIND PROVISIONS RELATED TO SALTWATER FISHING AND AMEND PROVISIONS RELATED TO HEALTH, SAFETY, AND WELFARE OF FISHING IN ACCORDANCE WITH SECTION 379.2412, FLORIDA STATUTES; AND PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY, APPLICABILITY, FILING WITH THE DEPARTMENT OF STATE, AN EFFECTIVE DATE, AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County, Florida, is authorized by provisions in Chapter 125, Florida Statutes, to provide for the health, safety, and general welfare of the residents of Martin County;

WHEREAS, Chapter 17 of the Martin County Code of Ordinances sets forth the rules and regulations governing the use of County beaches, parks, and recreational facilities;

WHEREAS, Section 17.9. of the Martin County Code of Ordinances includes regulations pertaining to saltwater fishing activities on County owned property, including shark fishing;

WHEREAS, Section 379.2412, Florida Statutes, provides that the power to regulate the taking or possession of saltwater fish is expressly reserved to the state;

WHEREAS, Section 379.2412, Florida Statutes, does provide that local governments may prohibit saltwater fishing from real property owned by that local government, for reasons of protecting the public health, safety or welfare;

WHEREAS, the County hereby repeals subsections 17.9.A.2.r., 17.9.A.2.v., 17.9.A.2.w., 17.9.A.2.ee.2., 17.9.A.2.ee.3., and 17.9.A.2.ee.4., in order to align the County Code with the authority reserved to the State under Section 379.2412, Florida Statutes;

WHEREAS, the County hereby amends subsection 17.9.A.2.x. (renumbered herein as subsection 17.9.A.2.u.) to prohibit fishing activities within designated guarded beach areas during guarded hours in order to promote the public health, safety, and welfare of residents and visitors utilizing County beaches; and

WHEREAS, the County hereby amends subsection 17.9.A.2.o. to clarify that fishing off of docks is prohibited only when the boat ramp is being used by boater to promote the public health, safety, and welfare.

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

PART ONE: AMENDMENT OF CHAPTER 17 BEACHES, PARKS AND RECREATION; ARTICLE 1 IN GENERAL; SECTION 17.9. RULES AND REGULATIONS FOR MARTIN COUNTY PARKS.

Chapter 17, Article 1, Section 17.9 IS hereby amended as follows:

Sec. 17.9. - Rules and regulations for Martin County parks.

17.9.A. The rules and regulations for Martin County parks are established as follows:

1. All beaches, public beach access strips, causeway parks, fishing piers, canoe/kayak launches, and boardwalks, shall be open at all times every day, except when the County determines that closure is necessary for the public health, safety or welfare. Any gates at entrances to any beach, public beach access strip, causeway or fishing pier may only be closed when necessary for the public health, safety or welfare. All other County parks shall be open from 7:00 a.m. until 11:00 p.m., unless otherwise posted or permitted by the County.
2. It is unlawful for any person in any County park:
 - a. To park vehicles or boat trailers, except in designated areas.
 - b. To light a fire, except in designated fixtures.
 - c. To light a fire on any beach without the express written permission from the County.
 - d. To use a grill or other device in such a manner as to burn, char, mar or blemish any bench, table, or other object of park property.
 - e. To set off fireworks, unless expressly permitted in writing by the County.
 - f. To drive a motor vehicle, except in designated areas.
 - g. To carry, possess, use, discharge, or have readily available, a weapon, or electric weapon.

- h. To carry, possess, use, discharge, or have readily available a BB gun, air rifle or paint ball gun, except at a facility specifically designed for such use.
- i. To have glass containers.
- j. To dive from any structure, except in designated areas at pool facilities.
- k. To dump litter in any manner or amount.
- l. To utilize County dumpsters for any litter from outside of any County park.
- m. To golf in undesignated areas.
- n. To trespass or encroach on County park property.
- o. To use County docks or boat ramps for commercial purposes or for any purpose, other than for launching boats; and or for fishing only while the boat ramp is not being actively used by boaters to ensure public health, safety, and welfare pursuant to Section 379.2412, Florida Statutes.
Dockage of boats at County boat ramps is prohibited, except during the launch or retrieval of the boat.
- p. To disturb, destroy, remove or damage any cultural or natural resource including vegetation without express written permission from the County.
- q. To cut, carve, or injure the bark, limbs, or branches or mutilate trees in any way, or pick the flowers, seeds, or fruits 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 without express written permission from the County.
- ~~r. To cast a net upon any seagrass from any County park or to leave behind any organic matter left from the use of a cast net.~~
- ~~s.~~ r. To enter posted protected seagrass areas by boat or personal water craft.
- ~~t.~~ s. To use a motorized recreation vehicle on pedestrian pathways, sidewalks, and boardwalks, except if used to assist a disabled person as defined pursuant to the Americans with Disabilities Act or Florida Statutes.

Government owned or leased vehicles are exempt from these restrictions when being operated for a government purpose.

- ~~u. t.~~ To skateboard, skate, in-line skate, or bicycle on any park property other than pathways, sidewalks, or designated skate parks.
- ~~v.~~ ~~To fish or attempt to fish in the ocean after having been warned by a lifeguard or any law enforcement officer that such activity is endangering the health and safety of the public.~~
- ~~w.~~ ~~While on the County owned beaches or causeway parks to intentionally fish, including fishing for sharks, by those methods commonly known as "chumming" or "bloodbaiting".~~
- ~~x. u.~~ To fish or attempt to fish from County owned property within a minimum of 50 feet of the boundaries of a guarded full service beach park, during guarded hours, in order to protect the public health, safety, and welfare, pursuant to Section 379.2412, Florida Statutes, ~~or to intentionally shark fish or attempt to shark fish from County owned property within a minimum of 1,000 yards of the boundaries of a full service beach park at any time.~~
- ~~y. v.~~ To leave any personal property including but not limited to vehicles, watercraft, or bicycles within a County park after operating hours or overnight without express written permission from the County.
- ~~z. w.~~ To post, affix, or place any materials on any park property without prior written approval of the County.
- ~~aa. x.~~ To sleep or camp overnight in any area of a County park not designated for camping, including beaches, lawns, fields, and wooded areas unless permitted in writing by the County.
- ~~bb. y.~~ To sleep on park benches, picnic tables or other structures not specifically designated for such use.
- ~~cc. z.~~ To 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, without express written authorization by the County.
- ~~dd. aa.~~ To use a generator unless otherwise permitted.
- ~~ee. bb.~~ To use the County property, including, but not limited to, ingress and egress, as an instrumentality: ~~1) F~~ for any activity prohibited by this section;

- ~~2) To fish or attempt to fish in the ocean after having been warned by a lifeguard or any law enforcement officer that such activity is endangering the health and safety of the public;~~
- ~~3) While on the beaches or causeway parks to intentionally fish, including fishing for sharks, by those methods commonly known as "chumming" or "bloodbaiting"; and~~
- ~~4) To fish or attempt to fish within a minimum of 50 feet of the boundaries of a full service beach park or to intentionally shark fish or attempt to shark fish within a minimum of 1,000 yards of the boundaries of a full service beach park at any time.~~

ff. cc. To use any of the following unless under contract with the County:

- 1) A vehicle with a gross vehicle weight over 36,000 pounds, other than recreational vehicles used at designated campgrounds;
- 2) A vehicle without rubber tires;
- 3) Heavy equipment including, but not limited to, front end loaders and fork lifts. Other than as necessary at Timer Powers Park with required permit; and
- 4) Cranes, though floating cranes may be used with required permit.

~~gg.~~ dd. Docking, or occupying docking space at a County owned dock or boardwalk for longer than two hours unless the posted time frame allows extended hours.

- 3. It is unlawful for any person in any County park to sell or to offer for sale to any person any product or service without all required permits (e.g. State of Florida, Martin County Health Department and Martin County).
- 4. In an effort to promote the safety and protection of sea turtles and other wildlife, it is unlawful for any person to display, release, or distribute balloons of any kind at any County park. Balloons are allowed to be displayed inside an enclosed County park building such as a community center.
- 5. Every Martin County park shall be considered a "public place" as that term is used in the Florida Statutes to define the crime of disorderly intoxication.
- 6. It is unlawful for any person or group to utilize County athletic fields without the express written permission of the County.
- 7. It is unlawful for any adult to enter and remain in a designated play area, where signage is posted, unless the adult is supervising and/or accompanying child(ren) who is/are visiting the play area or the adult is a County staff person or contractor conducting work in or around the area.

8. Pavilions in County parks may be reserved for use, and if not reserved are available for use on a first-come, first-served basis.

PART TWO – CONFLICTING PROVISIONS.

Special acts of the Florida Legislature applicable only to unincorporated areas of Martin County, County ordinances and County resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict except for ordinances concerning the adoption or amendment of the Martin County Comprehensive Growth Management Plan.

PART THREE – SEVERABILITY

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, by a court of competent jurisdiction, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances by a court of competent jurisdiction, such holding shall not affect its applicability to any other person, property or circumstances.

PART FOUR – APPLICABILITY OF ORDINANCE

This ordinance shall be applicable throughout the unincorporated area of Martin County and to the incorporated areas of Martin County to the extent permitted by Article VIII, Section 1(f) of the Constitution of the State of Florida.

PART FIVE – FILING WITH DEPARTMENT OF STATE

The Clerk be and hereby is directed forthwith to scan this ordinance in accordance with Rule 1B-26.003, Florida Administrative Code, and file same with the Florida Department of State via electronic transmission.

PART SIX – EFFECTIVE DATE

This ordinance shall take effect immediately upon filing with the Department of State.

PART SEVEN – CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code, except parts Two to Seven shall not be codified. The word “ordinance” may be changed to “section,” “article” or other word, and the sections of this ordinance may be renumbered or re-lettered.

ADOPTED this _____ day of _____, 2026

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

SARAH HEARD, CHAIR

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

ELYSSE A. ELDER, COUNTY ATTORNEY

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