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BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

ORDINANCE NUMBER _____

AN ORDINANCE OF MARTIN COUNTY, FLORIDA, AMENDING SECTION 17.9, RULES AND REGULATIONS FOR MARTIN COUNTY PARKS OF CHAPTER 17, BEACHES, PARKS AND RECREATION, OF THE GENERAL ORDINANCES, MARTIN COUNTY CODE, RELATING TO RULES AND REGULATIONS IN COUNTY PARKS; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE AND CODIFICATION.

WHEREAS, the Board of County Commissioners of Martin County is authorized pursuant to Sections 1 and 6 of Article VIII, Constitution of the State of Florida, and Chapter 125, Florida Statutes, to adopt ordinances; and

WHEREAS, the Board has determined it should be clear that the County has the authority to regulate and permit specific activities to protect the public health, safety and welfare; and

WHEREAS, the Board has determined that it is appropriate to regulate the use of certain equipment within County parks.

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

PART ONE: SECTION 17.9, RULES AND REGULATIONS FOR MARTIN COUNTY PARKS, OF CHAPTER 17, BEACHES, PARKS AND RECREATION, GENERAL ORDINANCES, MARTIN COUNTY CODE SHALL BE 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 for fishing while the boat ramp is not being used by boaters. 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. To enter posted protected seagrass areas by boat or personal water craft.
 - t. 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. 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. To fish or attempt to fish from County owned property 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 from County owned property within a minimum of 1,000 yards of the boundaries of a full service beach park at any time.
- y. 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. To post, affix, or place any materials on any park property without prior written approval of the County.
- aa. 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. To sleep on park benches, picnic tables or other structures not specifically designated for such use.
- cc. 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. To use a generator unless otherwise permitted.
- ee. To use the County property, including but not limited to ingress and egress, as an instrumentality:
 - 1) 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. 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. Docking, or occupying docking space at a County owned dock or boardwalk for longer than two (2) 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.
- 17.9.B. Any rules or regulations for Martin County parks may be waived by the Board of County Commissioners upon application, submitted to the Martin County Administrator, showing that the waiver requested is in the best interest of the public health, safety, or welfare.
- 17.9.C. Additional rules and regulations for camping facilities. All other park rules and regulations under section 17.9 shall apply unless otherwise specifically provided for herein:
1. A County permit must be obtained to spend the night in any County camping facility.
 2. Length of stay requirements are defined in campground rules and regulations as determined by the County.
 3. Reservations must be made by 5:00 p.m. A maximum of six persons, two vehicles (including one recreational vehicle) and one tent allowed per site, additional persons or vehicles will require an additional site.
 4. Persons under the age of 18 are not permitted camping privileges unless accompanied by a person 18 years old or over for the length of the camping period.
 5. Camping is only allowed in designated camp sites.
 6. Boat docks are for launching and retrieving watercraft only.

7. The person registering is responsible for seeing that all members of his or her party and guests obey the park rules.
 8. Campers are responsible for opening and closing the gates for their visitors.
 9. No loud noises, loud radios or loud stereos are allowed after 10:00 p.m. All generators must be turned off at 10:00 p.m.
 10. Washing dishes and cooking are restricted to campsites.
 11. Consumption of alcohol is restricted to campsites.
 12. Trash and garbage shall be placed in designated containers and deposited at designated dump stations. Dumping trash or garbage in restrooms or shower buildings is not permitted.
 13. Riding on a motorized recreation vehicle after sundown is prohibited. Motorcycles must be operated slowly and quietly.
 14. Campfires are permitted in designated fixtures with permission of the park attendant, but chopping of trees and vegetation is not allowed.
 15. There is a limit of two dogs per campsite. Dog owners must be able to show proof of vaccinations and licenses upon request. Dog waste must be picked up by owners, consistent with section 9.92.B., General Ordinances, Martin County Code. Section 9.90, General Ordinances, Martin County Code regarding animal restraints is strictly enforced.
 16. If camping fees are not paid within 24 hours after the allocated register time, camping equipment will be stored at owners' expense.
 17. Failure to observe and comply with park rules will result in forfeiture of camping privileges.
 18. Parking of commercial vehicles and commercial equipment is prohibited.
 19. Overnight storage of recreational vehicles, boats, trailers and other vehicles is not permitted except with an active overnight camping permit and physical presence of the registered camper(s).
 20. Dumping of grey water is prohibited except when properly connected to the designated dump station or sewer hook-up.
 21. All vehicles and trailers must be able to provide proof of registration upon request.
- 17.9.D. Hobe Sound Beach, Stuart Beach, Bathtub Reef and Jensen Beach are full-service beach parks. The following additional regulations apply to all full-service beach parks:
1. Designated swimming areas may be established at full-service beach parks, in the interest of user safety, while ensuring that other traditional beach uses are accommodated. Designated swimming areas may be moved by supervising lifeguards due to changing conditions and consistent with other provisions in this section.
 2. Designated swimming areas shall not extend further east than 300 feet of the mean-high-water line and shall be restricted to swimming only while under supervision of lifeguards.
 3. Surfing in a designated swimming area is not permitted. When surfing east of designated swimming areas or within the boundaries of a full service beach park, a functional leash or similar device that connects the surfer and their equipment is required.

4. No more than a total of 50 percent of a full service beach may be designated as restricted for swimming only at Stuart Beach and Jensen Beach. Hobe Sound Beach and Bathtub Beach may be designated as swimming only beaches.
5. In the interest of safety, beach use designation restrictions should not apply for temporary incursions into an area where strong currents or waves have forced an individual's brief and unintentional presence in that area. Lifeguard judgment may be exercised regarding an individual's safety and the threat to others.
6. An individual's deviation from these beach usage designation restrictions may be permitted by the responsible lifeguard when, in the lifeguard's judgment, no safety problem results from the deviation.
7. Skim boarding in a designated swimming area is not permitted.
8. All persons using full-service beaches must observe posted safety notices and safety instructions of lifeguards.
9. No boating or use of personal water craft is permitted within 300 feet of the shore of any public beach, except for designated emergency rescue craft.
10. No launching of motorized boats or motorized personal water craft from the shore of any public beach is permitted, except for designated emergency rescue craft.
11. No person shall move, climb, scale, or otherwise encroach on a County Lifeguard tower unless that person is employed and or authorized by the County for the purposes of beach safety, maintenance of County facilities, or other authorized activities.
12. Portable sun or wind shelters, such as umbrellas or tents, shall not be erected to obstruct lifeguard's view of the water or near-shore areas. Lifeguards will determine if sun or wind shelters are obstructing their ability to conduct surveillance of the area and make appropriate recommendations for relocation.

[17.9.E—H. Reserved.]

17.9.I. Additional rules and regulations for New Monrovia Park.

1. Entry to and use of the park, and loitering in the adjacent streets and rights-of-way, by the general public are prohibited during the hours of operation of the Residents Empowering All Childrens' Hope (REACH) Program. During the hours of operation of the REACH Program, use of the park will be limited exclusively to Program participants, parents or guardians of participants, Program employees and Program volunteer staff.
2. No alcoholic beverages are allowed in the park or in any right-of-way adjacent thereto.
3. The park may not be used for any purpose between the hours of 11:00 p.m. and 7:00 a.m. except as permitted in writing by the County.
4. No glass containers are allowed in the park.

17.9.J. Additional rules and regulations for Lamar Howard Park.

1. Entry to and use of the park, and loitering in the adjacent streets and rights-of-way, by the general public are prohibited during the hours of operation of the Golden Gate After School Alternative Program (GAAP Program). During the hours of operation of the GAAP Program, use of the park will be limited exclusively to Program participants, parents or guardians of participants, Program employees and Program volunteer staff.

2. No alcoholic beverages are allowed in the park or in any streets or rights-of-way adjacent thereto.
 3. The park may not be used for any purpose between the hours of 11:00 p.m. and 7:00 a.m. except as permitted in writing by the County.
 4. No glass containers are allowed in the park.
- 17.9.K. Additional rules and regulations for Staff Sgt. Justin Johnson Memorial Park at Banner Lake.
1. Entry to and use of Staff Sgt. Justin Johnson Memorial Park at Banner Lake, and loitering in the adjacent streets and rights-of-way, by the general public are prohibited during the hours of operation of the Banner Lake After School Time Program (BLAST Program). During the hours of operation of the BLAST Program, use of the park will be limited exclusively to Program participants, parents or guardians of participants, Program employees, Program volunteer staff and County staff.
 2. No alcoholic beverages are allowed in the park or in any streets or rights-of-way adjacent thereto.
 3. The park may not be used for any purpose between the hours of 11:00 p.m. and 7:00 a.m. except as permitted in writing by the County.
 4. No glass containers are allowed in the park.

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.

PART THREE: SEVERABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, 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 other person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

PART FOUR: APPLICABILITY.

This ordinance shall be applicable in the unincorporated area of Martin County.

PART FIVE: FILING WITH THE DEPARTMENT OF STATE.

The Clerk shall be and is hereby 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 is effective upon filing with the Department of State.

PART SEVEN: CODIFICATION.

Provisions of this ordinance shall be incorporated in the County Code and the word "ordinance" may be changed to "section," "article" or other appropriate word, and the sections of this ordinance

may be renumbered or re-lettered to accomplish such intention; provided, however, that parts two through seven shall not be codified.

DULY PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

CAROLYN TIMMANN, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER

HAROLD E. JENKINS II, CHAIRMAN

APPROVED AS TO FORM & LEGAL
SUFFICIENCY:

SARAH W. WOODS, COUNTY ATTORNEY