

ORDINANCE 08- 29

AN ORDINANCE OF THE COUNTY OF PINELLAS PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING ARTICLE II, CHAPTER 90, RELATING TO ENVIRONMENTAL LANDS; AMENDING SECTION 90-101 RELATING TO LEGISLATIVE PURPOSE; AMENDING SECTION 90-102 RELATING TO DEFINITIONS; AMENDING SECTION 90-103 RELATING TO VEHICLES AND TRAFFIC CONTROL; AMENDING SECTION 90-104 RELATING TO ENVIRONMENTAL LANDS PROPERTY; AMENDING SECTION 90-105 RELATING TO CERTAIN ACTIVITIES WITHIN ENVIRONMENTAL LANDS INCLUDING BUT NOT LIMITED TO CAMPFIRES, CAMPING, FISHING, SWIMMING, SMOKING, CONSUMPTION OF ALCOHOLIC BEVERAGES, PETS, AND TRASH DISPOSAL; AMENDING SECTIONS 90-106 AND 90-107 RELATING TO PERMITS FOR CERTAIN ACTIVITIES WITHIN ENVIRONMENTAL LANDS; AMENDING SECTION 90-108 RELATING TO RESIDENT PERSONNEL; AMENDING SECTION 90-109 RELATING TO EXEMPTIONS; AMENDING SECTION 90-110 RELATING TO CERTAIN MISCELLANEOUS PROVISIONS; AMENDING SECTION 90-111 RELATING TO ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS the Pinellas County Board of County Commissioners authorized the establishment of the Environmental Lands Division within the Department of Environmental Management in October 1999 to serve as the management authority for the County's preserves and ecological management areas and to assist other County Departments and cooperators with the management of their natural resources; and

WHEREAS the Pinellas County Board of County Commissioners authorizes the preparation of management plans to guide the management of the County's preserves and ecological management areas in order to achieve the relevant goals of the County Plan; and

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WHEREAS the Pinellas County Board of County Commissioners has previously adopted a management plan for Brooker Creek, Weedon Island, Mobbly Bayou and Shell Key Preserves, as well as other management plans under the Comprehensive Conservation and Management Plan for Tampa Bay, Preservation – 2000, the Florida Communities Trust, which are amended from time to time; and

WHEREAS such management plans declare that the mission of the Environmental Lands Division is to provide sound stewardship to the County's wild lands and opportunities for the appreciation of their intrinsic value; and

WHEREAS, the Local Government Comprehensive Planning and Land Development Act requires the County to adopt a comprehensive plan that addresses future land use, coastal management, conservation and open space elements and the lands and waterways managed by the Environmental Lands Division are a primary means of meeting the level of service standards provided for therein; and

WHEREAS, Pinellas County Board of County Commissioners approved the amendment of Chapter 90 of the Pinellas County Code on May 10, 1996 by adding Article II, entitled "Brooker Creek Preserve" to protect the County's first authorized preserve; and

WHEREAS, Pinellas County Board of County Commissioners has since that date acquired a number of lands and waterways under the management of the Environmental Lands Division of the Pinellas County Department of Environmental Management;

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

**SECTION 1.** Article II, Chapter 90 of the Pinellas County Code is hereby renamed "Environmental Lands" and is further amended as follows:

**Sec. 90-101. Legislative purpose.**

The Environmental Lands Division of the County Department of Environmental Management has been established primarily for the management and protection of the county's preserves, ecological management areas and other lands and waterways. It is desirous to acquire and protect such lands and waterways for their natural resources, biological diversity, ecological, hydrological, and open space significance to the county, scenic beauty and their potential for educating citizens and visitors. The objective of these regulations is to permit public use of certain environmental lands and waterways consistent with their protection and management, as set forth in the county comprehensive plan and various management plans, as same may be amended from time to time.

**Sec. 90-102. Definitions.**

When used herein, the following definitions shall apply:

*Activity* means the doing of any act or the failure to do any act by a person.

*Adverse impact* means actual or potential harm or injury to any property, wildlife or plant life or other natural resource within the preserves, ecological management areas, or other lands and waterways managed by the Environmental Lands Division.

*Board* means the Pinellas County Board of County Commissioners.

*Carrying capacity* means the number of individuals or vehicles permitted within an individual preserve or management area, or a designated portion thereof, at one time without having an adverse impact upon the preserve or management area.

*County* means Pinellas County.

*Cultural/historic resources* means any prehistoric or historic site, structure, object or other real or personal property of historical, architectural, or archaeological value as determined through criteria for designation contained in Chapter 146 of the County Code.

*Department* means the Pinellas County Department of Environmental Management, or its designee.

*Division* means the Environmental Lands Division of the Department.

*Division personnel* means all persons employed by the board or responsible to it and assigned to perform official duties of the Environmental Lands Division.

*Environmental lands* means all preserves, ecological management areas and other lands and waterways managed directly or indirectly by the Division.

*Ecological management area* means lands and waterways owned or managed by the Division, not designated as "preserve." Such lands shall be as referenced in the latest resolution of the Board describing the legal boundaries of the particular management area. Properties designated as "ecological management areas" generally do not have a public use component, depending upon the ecological impacts of such use.

*Firearm* means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device (as identified in section 90-105(h)(3)); or any machine gun.

*Law enforcement officer* means any person who is elected, appointed, or employed full or part time by the state, the county, or municipality who is vested with the authority to bear arms and make arrests; and whose primary responsibility is the detection and prevention of crime, or the enforcement of the penal, criminal, traffic, or highway laws of the state or county.

*Live-aboard* means the occupancy of use of a watercraft by one or more persons, as a place of habitation, residence, living quarters or for dwelling purposes, temporarily or permanently, continuously or transiently.

*Management plan* means the management plan developed by the Division, unique to each individual preserve or management area, as each such plan may be amended from time to time.

*Nude*, or any derivative thereof, shall mean to display or expose:

- (1) The human male or female genitals or pubic area with less than fully-opaque covering;
- (2) The portion of the human female breast directly or laterally below a point immediately above the top of the areola with less than a fully opaque covering. This definition shall include the entire lower portion of the human female breast, including the areola and nipple, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided the areola is not exposed; and
- (3) For purposes of this definition, body paint, body dye, a tattoo, latex or any similar substances shall not be considered an opaque covering.

*Ordinance* means the environmental lands ordinance, as same may be amended from time to time.

*Parking area* means any part of any preserve or management area road, or area contiguous thereto, specifically designated for the standing or stationing of any vehicle with appropriate signage.

*Person* means any individual including minors, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, estate, trust, business trust, syndicate, fiduciary, public or private corporation, and all other groups or combinations of groups.

*Pet* means any domesticated animal typically kept for companionship, protection, transportation or amusement, including wild animals licensed by state law for personal possession. Pet also includes domesticated species found in a feral, wild, or abandoned state. However, the term does not include certified service animals, specially trained for providing personal care services to the disabled.

*Pollution* means the presence in the air, soil, or waters of any substance, noise, contaminant, or anthropogenic alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, biological diversity, or property, or that unreasonably interferes with the enjoyment of a preserve or management area.

*Preserve* means property managed by the Division as referenced in the latest resolution of the board describing the legal boundaries of the particular preserve and includes all streams, canals, channels, lagoons, waterways, water areas, submerged lands, shorelines and beaches, as well as all structures and other facilities located within such boundaries. All Preserves shall have a Board approved management plan.

*Vehicle* means any passengered conveyance (except a baby carriage or wheelchair) for the transportation of persons or material whether:

- (1) Powered or drawn by motor as an automobile, truck, bus, motorcycle, scooter, minibike, all terrain vehicle, or trail bike;
- (2) Animal-drawn as a carriage, wagon or cart;
- (3) Rider propelled bicycle or tricycle;
- (4) Trailer in tow of any size, or description;
- (5) Watercraft of any type, including hovercrafts or similar vehicles;
- (6) Aircraft of any type.

*Wildlife* means any species living, growing, or occurring in a natural, nondomesticated state, including but not limited to animals..

**Sec. 90-103. Vehicles and traffic control.**

(a) *Traffic control.* All persons shall observe and comply with posted traffic control devices and signs.

(b) *Speed of vehicles.* Within any environmental land no person shall operate a vehicle at a speed that is greater than reasonable or prudent, having due regard for the surface width and surface condition and the traffic thereon, particularly when near pedestrians, horses, bicyclists or other public-use trails. At no time shall speed exceed the posted speed limit or 25 miles per hour if no speed limit is posted.

(c) *Restriction to roads.* No person shall operate any vehicle within an environmental land except on designated roadways and areas otherwise approved for vehicular use.

(d) *Parking.* All vehicles shall be parked only in designated parking areas or in such other areas and at such other times as may be authorized by appropriate signage.

(e) *Bicycles.* Bicycles shall only be ridden on roads and trails designated for bicycle traffic. Where provided, bicycle racks must be used for the parking of bicycles. Bicycles shall not be chained or locked to trees, any other plant life or structures, or placed so as to obstruct pedestrian or vehicular movement.

(f) *Entering environmental lands property.* Any person entering or leaving an environmental land, whether by foot or vehicle, shall do so solely through designated entry and exit points.

**Sec. 90-104. Environmental lands property.**

(a) *Buildings and facilities.*

1. No person shall willfully mark, deface, damage, displace, destroy, remove, or tamper with any buildings, facilities, bridges, piers, tables, benches, railings, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards, or notices, monuments, stakes, posts, gateways, locks, fencing, boundary markers, or other structures, equipment or county property.

2. No person shall use any environmental land or related

facility, including but not limited to buildings, bridges, piers, tables, benches, or railings in a manner that precludes regular and customary usage to other patrons, unless such person has obtained the right to exclusive usage from the department.

3. No person shall fix, tie, chain, or hitch any hammock, line, sports net, bike or banner to any sign pole, boardwalk rail, bench, fence or similar structure within any environmental land unless otherwise designated for such use.

(b) *Climbing on property.* No person shall climb on or over any buildings or facilities, fences, structures, or historic ruins, or boardwalk and bridge railings unless expressly permitted under section 90-106.

(c) *Plant life.*

1. All plant life living or dead terrestrial, aquatic, and epiphytic species, within any environmental land is either the property of the county or is property managed by the county. No person shall cut, carve, nail into, or otherwise damage the bark, or break off limbs or branches or mutilate in any way, or harvest the flowers or seeds of any plant or tree, except by special permit or within designated special use areas. No person shall dig in, disturb, or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant, or climb, or attach any rope, wire, wooden boards, or ladders thereto, except by special permit or within designated special use areas.

2. No person shall transplant, possess, or remove any plant or plant part from any environmental land, except by special permit, nor shall any person introduce any plant species by willful act, negligence, or for any other reason.

3. No person shall tie or hitch any animal, vehicle, or bicycle to any tree or other plant life.

(d) *Wildlife.*

1. No person shall possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw any object at any wildlife within the boundaries of any environmental land; nor shall any person remove the eggs, nest, or young of any wildlife within the boundaries of any environmental land; nor shall any person collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen, dead or alive of any wildlife from within the boundaries of any environmental lands, except by special permit granted by the department or in accordance with a valid fishing permit issued by the state. However,

this prohibition shall not apply to de minimus collection or removal, such as incidental collection of shells or bait fish.

2. No person shall feed or attempt to pet any wildlife.

3. No person shall introduce any pet, plant or other wildlife into any environmental land by willful abandonment, negligence, or for any other reason.

(e) *Historic artifacts.*

1. No person shall willfully mark, deface, damage, displace, destroy, excavate, remove, or tamper with any historic artifact within any environmental land, nor shall any person attempt any such activity, except by special permission granted by the department.

2. Use of metal detectors by any person is strictly prohibited within any environmental land, except by special permit granted by the department.

**Sec. 90-105. Activities within environmental lands.**

(a) *Hiking.* Walking, running, jogging, and/or hiking is permitted only along trails or pathways or areas specifically designated for such use or uses and during posted hours.

(b) *Public Use.* The Department reserves the right to limit public access to any environmental land when deemed necessary or when public use is deemed a disturbance to any environmental land or wildlife.

(c) *Horseback riding.* Horseback riding is permitted only along trails or in areas specifically designated for such use. Horses shall be thoroughly broken, properly restrained, and ridden with due care. Horses shall not be allowed to graze or go unattended and must be on a lead at all times. Horses may only be hitched to hitching posts clearly identified for such use. No horse-drawn carriages, carts or wagons shall be allowed or used within any environmental land.

(d) *Boating.* Boating is permitted only in trails, channels or areas specifically designated for such use. Boaters shall obey all posted restrictions and safe boating rules and regulations. Boats shall not be operated in such a manner as to molest or harm wildlife or to cause damage to aquatic life, substrate or county property.

(e) *Campfires.* Campfires are strictly prohibited at all times except in

areas designated for such use. Campfires or any other open burning, even in approved areas, may be prohibited when deemed necessary by the Department or by restrictions mandated by state or federal agencies.

(f) *Camping.*

1. Camping is strictly prohibited at all times unless specifically permitted by the Department as set forth below. When permitted, camping shall be limited to those areas specifically designated for such use. Campers shall obey all rules and regulations.

2. Campers must obtain a permit and copies of the rules and regulations from the Department prior to camping. Campers must have a valid permit and a valid picture identification card while camping. It shall be unlawful for any person to camp on any environmental land for a period of time in excess of fourteen (14) days in a thirty (30) day period.

3. All waste shall be placed in disposal containers where provided. Where no disposal containers are provided, or where the containers provided are full, all waste shall be carried away by the user of the camping area and properly disposed of outside of the environmental land.

4. Tents shall be stand-alone type and may not be attached to trees or any other vegetation or structure with any guy wire, rope, extension brace, support, fastener or any other device.

(g) *Live-aboards.* It shall be unlawful for any person to moor a watercraft within any area designated as an environmental land for a period of time in excess of 14 days in any 30-day period.

(h) *Fishing.* Fishing is prohibited except where permitted in those public areas designated for such activity. Persons fishing shall obey all state and federal laws pertaining to fishing as well as any posted rules and regulations.

(i) *Swimming.* Swimming, bathing or wading is prohibited except in those public areas designated for such activity.

(j) *Picnicking.*

1. Picnicking is permitted only in areas specifically designated for such use. The use of picnic facilities including tables, benches, and shelters, is on a "first-come, first-served" basis.

2. All refuse, waste, and trash shall be placed in disposal containers where provided. Where no disposal containers are provided, or

where the containers provided are full, all refuse shall be carried away by the user of the picnic facility and properly disposed of outside of the environmental land.

(k) *Audio devices.* Radios, tape players, electronic musical instruments and all other audio devices are permitted so long as they are played at volume levels that do not disturb, annoy, injure, or endanger the comfort, health, peace, or safety of the wildlife or reasonable persons of ordinary sensibilities or unnecessarily detract from a peaceful atmosphere. Such noise shall not be heard within any environmental land from a location more than 50 feet from the source of the noise, unless a special permit has been issued for such use.

(l) *Nudity.* It shall be unlawful for any person over the age of four years old to appear nude in any environmental land, including but not limited to, appearing nude to sunbathe, subject to the exemptions listed below:

1. In a restroom, locker or shower facility;
2. In a privately owned, fully-enclosed, temporary dwelling used for camping at camp sites;
3. When the conduct of being nude cannot constitutionally be prohibited by county ordinance because it is otherwise protected pursuant to the United States Constitution or the Florida Constitution under existing judicial decisions;
4. When a mother is breast-feeding her baby, and then only the extent reasonably necessary to allow breast-feeding.

(m) *Vendors.* No person, or organization other than the department or regularly licensed concessionaires acting by and under the authority of the county shall offer for sale, rent, or trade, any article, or station or place any stand, cart, or vehicle, for the transportation, sale or display of any article of merchandise within the limits of any environmental land.

(n) *Firearms.* No person except law enforcement officers shall have within his or her possession any firearm while within any environmental land unless in accordance with a valid concealed weapons permit. However, the provisions of section 86-71 of this Code shall remain in full force and effect at all times within any environmental land.

(o) *Fires.* No person shall ignite or attempt to ignite a fire, except for campfires made in approved areas and designated for such use. No person shall dispose of any burning matches, smoking materials or other inflammable materials except in designated receptacles.

(p) *Smoking.* Smoking is prohibited on trails for safety, litter and wildfire control purposes. Smoking may be prohibited by the Department, in its sole discretion, when necessary for fire control purposes. No person shall dispose of any burning matches, smoking materials or other inflammable materials except in designated receptacles.

(q) *Toy firearms, fireworks, long bows, cross bows, compound bows, and explosives.* No person shall have in his or her possession nor shall any person discharge any toy firearm, air-rifle, air-gun, toy cannon, fireworks, long bow, cross bow, compound bow, explosive, sling shot, or any toy or instrument that discharges projectiles either by air, elastic, explosive substance, or any other force within any environmental land. Parents or guardians will be held strictly responsible and accountable for the actions of minors with regard to the prohibitions in this subsection.

(r) *Alcoholic beverages.* Possession or consumption of alcoholic beverages within any environmental land is prohibited. This prohibition may be waived within the educational centers if:

1. The County has approved a contract or issued a permit which by its terms allows the sale and/or consumption of alcoholic beverages in a specified area or place;
2. The Board by resolution has temporarily waived the prohibition of subsection (1.) above for a special event or activity in a specified area or place.

(s) *Pets.* No pets, except, horses accessing and utilizing trails designated for horseback riding, are permitted. Where permitted, pets must be confined to designated areas or trails. Those persons in possession or control of domestic animals within any environmental land shall obey all county ordinances including, but not limited to, chapter 14 of this Code, as same may be amended from time to time.

(t) *Trash disposal.* No person shall dispose of trash, garbage debris, waste, cigarette butts or other such materials within environmental lands. All items resulting from allowable activities within environmental lands, such as picnicking, shall be disposed of in containers where available and clearly marked for public use.

(u) *Gambling.* No person shall engage in any form of gambling.

*Pollution.* Any act resulting in pollution is prohibited.

(v) *Miscellaneous.* No person shall engage in any activity within any environmental land that is dangerous to the health, safety or welfare of any person or that would cause damage to the property of other patrons or

environmental lands property. Nor shall any person engage in any activity within an environmental land that interferes with the use and enjoyment of the environmental land and its facilities by other patrons.

(w) The Department reserves the right to limit certain activities within any environmental land when, in the Department's sole discretion, an area has reached its carrying capacity for such activities.

**Sec. 90-106. Permits required for activities that promote scientific, educational, and artistic endeavors.**

(a) *Permit required.* An environmental lands permit, issued by the Department, is required before a person may engage in certain activities, which are listed below. Application forms may be obtained from the department. This permit does not relieve the applicant from the permit requirements of section 10-26 et seq. of this Code.

(b) *Activities requiring a permit.* Activities for which permit applications must be submitted include, but are not limited to, any of the following:

1. Scientific research including, but not limited to, biological assays, species identification or collection, species observation, archaeological survey and hydrological, geological, or chemical studies. This does not include such activities as visual observation of wildlife or vegetation within public areas.
2. Group nature activities either prior to or after the posted hours of operation, or that require access to restricted areas not open to the public.
3. All commercial photography, television broadcasting, and all private photography involving special settings or structures or the performance of any person.
4. All group activities involving 50 or more persons.

(c) *Standards for issuance or denial of a permit.* No permit shall be issued unless the department finds that the proposed activity will not have an adverse impact upon the resources. The department will evaluate the applications using the standards contained in this section. Factors to be considered in determining whether the activity will adversely impact the resources of the environmental land include:

1. Whether the activity is consistent with the intent of this article and the management principles and objectives.

2. Whether the activity will have an adverse impact upon the resources of the environmental land by:

- a. Causing or contributing to excessive odors or noise;
- b. Encouraging erosion;
- c. Causing damage to plant life;
- d. Negatively impacting wildlife;
- e. Altering the natural hydrological characteristics of the subject area;
- f. Inhibiting the natural storage and detention functions of floodplain;
- g. Reducing wetland buffers or wetland filtration functions;
- h. Decreasing recreational opportunities;
- i. Blocking, obstructing, lessening, or otherwise interfering with the scenic or natural views;
- j. Impacting threatened or endangered species of flora or fauna;
- k. Otherwise adversely effecting or interfering with the management of the natural and cultural resources.

(d) *Conditions.* The permit shall contain such conditions that are reasonably consistent with the protection and maintenance of the environmental land.

(e) *Denial.* If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(f) *Processing.* Permit applications shall be processed and notification of the granting or denial of permits will be provided to the applicant within 30 days of submission of the application. Failure to grant or deny an application for a permit in a timely manner shall not be grounds for the automatic issuance of a permit. The county will cooperate with the applicant to ensure his or her entitlement to prompt review of the county's failure to grant or deny the application in a timely manner.

(g) *Appeal process.* An applicant may appeal the denial of a permit application by filing a notice of appeal and resubmitting all application materials to the county administrator or his or her designee. Any such appeal must occur within 30 days of the date of denial or revocation by the department. The county administrator or his or her designee shall review the application and grant or deny the application within 14 days of receipt of the appeal. No county action on a permit application under this section is final until the county administrator has granted or denied the appeal.

(h) *Incomplete applications.* If the department determines that the application is incomplete or that the applicant has not properly completed the application, the department shall notify the applicant of such fact and the time period for granting or denying the application under subsection (f) shall be stayed during the period in which the applicant properly completes the application.

(i) *Transferability.* Permits are not transferable and may only be utilized by those persons to whom the permit was issued.

(j) *Revocation.* Any permit issued pursuant to this section may be revoked for failure to comply with any condition imposed on the permit or for inconsistency with the criteria set forth in subsection (c).

(k) *No entitlement to permit.* Because of the proprietary nature of the environmental lands, this section does not create any right or entitlement to a permit.

**Sec. 90-107. Permits required for exhibits, displays, signs, and distribution of printed material.**

(a) Permit required. Exhibits, displays, signs, and the distribution of printed matter are permitted within designated areas of the environmental lands provided a permit to do so has been issued by the Department, and provided further that the exhibit, , display, sign, or printed matter are not primarily for commercial advertising and that no obscene literature or material, as defined by F.S. § 847.001, is displayed or distributed.

(b) *Application required.* Any application for any such permit shall set forth the name of the applicant; the name of the organization, if any; the date, time, duration, and location of the proposed exhibit, display, sign, and/or distribution of printed matter; and the number of participants.

(c) *Standards for issuance or denial of a permit.* The department shall consider the following factors in determining whether or not to issue a permit under this section:

1. Whether a permit application for the same time and location has

been or will be granted to a prior applicant and the activities authorized by the permit do not permit multiple occupancy of the particular area;

2. Whether the exhibit, display, sign, or distribution of printed matter will present a clear and present danger to the public health or safety;

3. Whether the number of persons engaged in the exhibit, display, sign, or distribution of printed matter exceeds the number of persons that can reasonably be accommodated in the particular location applied for, as previously established by the department;

4. Whether the location applied for has been designated as available for such activities;

5. Whether the activity would be commercial in nature or would involve sales or commercial activities of any kind;

6. Whether the activity would include amplification equipment or otherwise exceed the limitations of section 90-105(k);

7. Whether the activity would unreasonably interfere with any program activities or administrative functions of the department;

8. Whether the activity will cause damage to environmental land resources;

9. Whether the activity will unreasonably interfere with the operation of any public use facility.

(d) *Incomplete applications.* If the department determines that the application is not complete or that the applicant has not properly completed the application, the department shall notify the applicant of such fact and the time period for granting or denying the application under this section shall be stayed during the period in which the applicant properly completes the application.

(e) *Processing of applications.* Permit applications shall be processed and notification of the granting or denial of permits will be provided to the applicant within 30 days of the submission of the application. Failure to grant or deny an application for a permit in a timely manner shall not be grounds for the automatic issuance of a permit. The county will cooperate with the applicant to ensure his or her entitlement to prompt review of the county's failure to grant or deny the application in a timely manner.

(f) *Permit denial.* If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

(g) *Appeals.* An applicant may appeal the denial of a permit application to the county administrator of his or her designee. Any such appeal must occur within 30 days of the date of denial. The county administrator or his or her designee shall grant or deny the application within 14 days of receipt of the appeal. There has been no final county action on a permit application under this section until the county administrator or his or her designee has granted or denied the appeal.

(h) *Designation of appropriate areas.* The department shall designate on a map, which shall be available for inspection, the location(s) within the environmental lands that are available for exhibits, displays, signs, and/or the distribution of printed matter and the number of persons that can reasonably be accommodated within such location.

(i) *Permit conditions.* The permit shall contain such conditions that are reasonably consistent with the protection and maintenance of the environmental land.

(j) *Permit duration.* No permit shall be issued for a period in excess of ten consecutive days.

(k) *Conduct of permittees.* Persons engaged in the distribution of printed matter under this section shall not obstruct or impede pedestrians, riders, or vehicles, harass environmental lands visitors with physical contact or persistent demands or misrepresent the purposes or affiliations of the group engaged in the distribution.

(l) *Prohibitions.* Exhibits, displays, signs, and the distribution of printed matter without a permit or in violation of the terms or conditions of the permit is prohibited. No person shall distribute, display, or affix any printed material, advertising any event, to or within environmental lands property unless specifically authorized under this section or by permit.

(m) *Revocation.* Any permit may be revoked under those conditions listed in subsection (c) of this section, which constitute grounds for denial of the permit, or for violations of the terms or conditions of the permit. Revocation of the permit shall be made in writing with the reason(s) for the revocation set forth, except under emergency conditions, when an immediate verbal revocation or suspension may be made to be followed by written confirmation.

(n) *Exemptions.* The sale of items that promote environmental lands and that are intended to raise funds for those lands as authorized by the Board or the County Administrator or his or her designee, are presumed to meet the criteria set forth in subsection (c) above. However, the Department may impose condition on such activities, including but not limited to duration, designation of appropriate areas, and other conduct.

### **Sec. 90-108. Resident personnel.**

It is hereby acknowledged that it may be necessary for certain persons to have their primary residences within the environmental lands boundaries as authorized by the Board or County Administrator. Such personnel and their families and guests are exempted from the regulations and prohibitions of sections 90-105, 90-106, and 90-107 of this Code while said persons are within the boundaries of the primary residence as defined by the residential lease or residential license agreement between said personnel and the county. At all times, however, resident persons remain subject to all applicable state laws, other county ordinances, and the terms and conditions of the lease or license while within the residence.

### **Sec. 90-109. Exemptions.**

Any person performing duties authorized by the Board or the County Administrator or his or her designee, while performing duties pursuant to this article or other law or within his or her official capacity, is hereby exempted from all prohibitions and restrictions of this article. However, all such persons shall comply with any and all other applicable federal, state or local laws.

### **Sec. 90-110. Miscellaneous.**

(a) *Delegation of authority.* The department is designated the authority to implement and administer the provisions of this article by the Board.

(b) *Hours of operation.* The opening and closing hours of each environmental land, including trails, shall be as posted by the department. No person shall remain in any environmental land after closing unless otherwise permitted by these regulations or appropriate permit.

(c) *Areas closed to the public.* Areas that are normally open to the public may be closed from time to time when that area's carrying capacity has been met, for permitted research, wildfires, flooding, prescribed fires, any natural resource management activity, safety hazards or for resource recovery purposes. No person shall enter any area of an environmental land that has been closed. Any area declared closed will be identified as such by appropriate signage.

(d) *Actions inconsistent with the purposes of the environmental lands.* Persons who are intoxicated or who conduct themselves in a destructive, disorderly, offensive, obnoxious, obscene, or profane manner are considered to be acting in a manner inconsistent with the purposes of the environmental lands and are subject to removal and/or ejection.

(e) *Signage.* All temporary and/or permanent signs installed by the County must be obeyed.

**Sec. 90-111. Enforcement and penalties.**

(a) It shall be a violation of this article for any person to fail to comply with any prohibition, mandate, restriction or other declaration set forth herein.

(b) All provisions of this article may be enforced by all authorized law enforcement officers, and all Department personnel authorized by the County Administrator or his or her designee.

(c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this article shall be punished by a fine not to exceed \$500.00. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

(d) In addition to the penalties provided in subsection (b) of this section, any person or persons convicted of violating any provisions of this article may be liable for civil penalties or damages to the county in accordance with the county environmental enforcement act.

(e) All damages and civil penalties collected as a result of any violation of this article shall be deposited in the environmental lands trust fund as created by the Board.

**Sec. 90-112. Territory embraced.**

All territory designated by the Board as an environmental land, including buildings, and facilities thereon, whether located in unincorporated or incorporated areas of the county, shall be embraced by the provisions of this article.

**SECTION 2. Severability.**

It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or provision of this ordinance is held invalid or unconstitutional, such invalidity of unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

**SECTION 3. Effective Date.**

This ordinance shall become effective upon receipt of acknowledgement from the Department of State that the ordinance has been duly filed.

**SECTION 4. Inclusion in the Code.**

The provisions of this ordinance shall be included and incorporated in the Pinellas County Code, as an addition thereto, and shall be appropriately numbered to conform to the uniform system of the Code.

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WORLD OF BUSINESS  
Y. ALPHEUS WAINO, JR. CEO  
10001  
MIAMI

APPROVED AS TO FORM  
OFFICE OF COUNTY ATTORNEY

By   
Attorney

STATE OF FLORIDA

COUNTY OF PINELLAS

I, KEN BURKE, Clerk of the Circuit Court and Ex-officio Clerk to the Board of County Commissioners, in and for the State and County aforesaid, DO HEREBY CERTIFY that the foregoing is a true and correct copy of an Ordinance adopted by the Board of County Commissioners of Pinellas County, Florida, on May 6, 2008 relative to:

ORDINANCE 08- 29

AN ORDINANCE OF THE COUNTY OF PINELLAS PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING ARTICLE II, CHAPTER 90, RELATING TO ENVIRONMENTAL LANDS; AMENDING SECTION 90-101 RELATING TO LEGISLATIVE PURPOSE; AMENDING SECTION 90-102 RELATING TO DEFINITIONS; AMENDING SECTION 90-103 RELATING TO VEHICLES AND TRAFFIC CONTROL; AMENDING SECTION 90-104 RELATING TO ENVIRONMENTAL LANDS PROPERTY; AMENDING SECTION 90-105 RELATING TO CERTAIN ACTIVITIES WITHIN ENVIRONMENTAL LANDS INCLUDING BUT NOT LIMITED TO CAMPFIRES, CAMPING, FISHING, SWIMMING, SMOKING, CONSUMPTION OF ALCOHOLIC BEVERAGES, PETS, AND TRASH DISPOSAL; AMENDING SECTIONS 90-106 AND 90-107 RELATING TO PERMITS FOR CERTAIN ACTIVITIES WITHIN ENVIRONMENTAL LANDS; AMENDING SECTION 90-108 RELATING TO RESIDENT PERSONNEL; AMENDING SECTION 90-109 RELATING TO EXEMPTIONS; AMENDING SECTION 90-110 RELATING TO CERTAIN MISCELLANEOUS PROVISIONS; AMENDING SECTION 90-111 RELATING TO ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND WITH RESPONSIBLE AUTHORITIES.

IN WITNESS WHEREOF, I hereunto set my hand and official seal this May 12, 2008.

KEN BURKE  
Clerk of the Circuit Court  
and Ex-officio Clerk to the  
Board of County Commissioners

By:

  
Linda R. Reed, Deputy Clerk

