

12/28/19
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2019	2020	2021	2022	2023
Capital Expenditures	-0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	*-0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative)	0				

Is Item Included in Current Budget? Yes _____ No X
Does this item include the use of federal funds? Yes _____ No X

Budget Account No.: Fund _____ Department _____ Unit _____
Object _____ /Revenue _____ Program _____

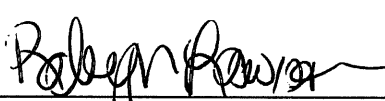

B. Recommended Sources of Funds/Summary of Fiscal Impact:

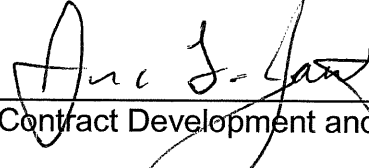
*There is no fiscal impact associated with this item.

C. Departmental Fiscal Review: 

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development and Control Comments:

 12/26/18
OFMB ASD 12/26
 12/21 SP 12/21

 12/27/18
Contract Development and Control

B. Legal Sufficiency:

Anne Delgant 12-28-18
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment

ORDINANCE NO. 2018-XXX

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 21 OF THE PALM BEACH COUNTY CODE (ORDINANCE 2011-003) PERTAINING TO PARKS AND RECREATION; AMENDING SECTION 21-18 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); SECTION 21-19 OF THE PALM BEACH COUNTY CODE (REGULATION OF VEHICLES WITHIN PARKS); SECTION 21-20 OF THE PALM BEACH COUNTY CODE (BUILDINGS AND OTHER PROPERTIES); SECTION 21-22 OF THE PALM BEACH COUNTY CODE (PLANT AND WILDLIFE PROTECTION AND PRESERVATION); SECTION 21-24 OF THE PALM BEACH COUNTY CODE (SWIMMING AND WADING); SECTION 21-25 OF THE PALM BEACH COUNTY CODE (BOATING); SECTION 21-27 OF THE PALM BEACH COUNTY CODE (FISHING); SECTION 21-29 OF THE PALM BEACH COUNTY CODE (PICNIC AREAS AND USE); SECTION 21-30 OF THE PALM BEACH COUNTY CODE (CAMPING); SECTION 21-32 OF THE PALM BEACH COUNTY CODE (ANIMALS); SECTION 21-33 OF THE PALM BEACH COUNTY CODE (ALCOHOLIC BEVERAGES); SECTION 21-35 OF THE PALM BEACH COUNTY CODE (PARK USAGE); SECTION 21-36 OF THE PALM BEACH COUNTY CODE (COMMERCIAL ACTIVITIES); SECTION 21-37 OF THE PALM BEACH COUNTY CODE (RESERVED PARK/FACILITY AREAS); SECTION 21-38 OF THE PALM BEACH COUNTY CODE (PERMITS); SECTION 21-41 OF THE PALM BEACH COUNTY CODE (POLLUTION OF WATERS); SECTION 21-43 OF THE PALM BEACH COUNTY CODE (PUBLIC UTILITIES); SECTION 21-45 OF THE PALM BEACH COUNTY CODE (ENFORCEMENT); SECTION 21-46 OF THE PALM BEACH COUNTY CODE (PENALTIES); PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(f), Florida Statutes, grants Palm Beach County the power to provide parks, preserves, playgrounds, recreation areas and other recreational facilities for the welfare of its citizens; and

WHEREAS, it is necessary to amend Ordinance 2011-003, to conform with federal and state law and to provide for more efficient and effective operations of Palm Beach County parks and recreation areas.

1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
2 OF PALM BEACH COUNTY, FLORIDA, that:

3 **SECTION 2. DEFINITIONS. Section 21-18 of the Palm Beach County Code is amended as follows:**

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

6 (A) **ABANDONED PROPERTY.** Pursuant to F.S. 705.101, "The term "abandoned
7 property" means all tangible personal property that does not have an identifiable owner and that has been
8 disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent
9 intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11"

10 (B) **BEACH, WATER AREA, WATERPARKS OR POOL.** Any beach, water area,
11 waterpark or pool designated by the board of county commissioners as such, within any park property,
12 either on the ocean or inland, including the actual sand beach, if any, used for swimming, water sports,
13 and wading.

14 (C) **CHUMMING.** The practice of luring animals, usually fish such as sharks, by throwing
15 bait into the water. Bait may consist of fish parts, bone and blood, which attract the animal.

16 (D) **DEPARTMENT.** The term "the department" when used herein is defined as the Palm
17 Beach County Parks and Recreation Department.

18 (E) **DIRECTOR.** The terms "director" or "parks director" when used hereinafter are defined
19 as the director of the Palm Beach County Parks and Recreation Department.

20 (F) **ASSISTANT DIRECTOR.** The term assistant director when used hereinafter is defined
21 as the Assistant Director of the Palm Beach County Parks and Recreation Department. This position shall
22 serve as the director's designee.

23 (G) **EXOTIC ANIMAL.** A non-native animal species that occurs in South Florida, as a result
24 of direct or indirect, deliberate or accidental actions by humans, which may include but not be limited to,

1 domestic, semi-domestic, or feral animals, considered to be a nuisance as determined by the director or
2 his designee.

3 (H) **LOST PROPERTY.** Pursuant to F.S. 705.101, “The term “lost property” means all
4 tangible personal property which does not have an identifiable owner and which has been mislaid on
5 public property, upon a public conveyance, on premises used at the time for business purposes, or in parks,
6 places of amusement, public recreation areas, or other places open to the public in a substantially operable,
7 functioning condition or which has an apparent intrinsic value to the rightful owner.”

8 (I) **NATIVE ANIMAL.** An animal species that occurs naturally in or is indigenous to South
9 Florida.

10 (J) **PARK.** The terms "park", "parkways", "recreational areas", "natural areas", "marinas"
11 and "areas operated and maintained by the department" may include, but are not limited to, parks,
12 wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses, community
13 centers, recreation centers, amphitheaters, museums, equestrian centers, auditoriums, ranges, lakes,
14 streams, canals, lagoons, waterways, pools, waterparks, water areas located on inland and coastal areas
15 including park property located within or adjacent to the waters of the Atlantic Intracoastal Waterway,
16 Lake Worth Lagoon, and Atlantic Ocean, and beaches therein and all grounds, water areas, buildings and
17 structures in Palm Beach County which are under the control of or assigned for upkeep, maintenance or
18 operation by the department.

19 (K) **PARKING AREA.** Any designated part of any park road, drive or area that is designated
20 for the standing or stationing of any vehicles.

21 (L) **PARK PROPERTY.** The term park property is defined to cover all areas, grounds,
22 buildings, locations and facilities described in the definition for "park".

1 (M) **PERMIT.** The term "permit" means a document or certificate provided by the department
2 granting permission for use of reserved park/facility areas and which sets forth terms and conditions
3 applicable thereto.

4 (N) **PERSON.** The word "person" includes natural persons, firms, associations, joint ventures,
5 partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups and
6 combinations.

7 (O) **VEHICLE.** The term "vehicle" means any wheeled conveyance (except a baby carriage
8 or wheelchair) for transportation of persons or materials whether: (1) powered or drawn by motor such
9 as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle; (2) animal-drawn such as
10 a carriage, wagon, or cart; (3) self-propelled such as a bicycle, tricycle, or skateboard; or (4) towed such
11 as a trailer of any size, kind or description. "Vehicle" does not include any recreational or park
12 transportation service operated or authorized by the department.

13 (P) **VESSEL-EXCLUSION ZONE.** The term "vessel exclusion zone" means an area from
14 which all vessels or certain classes of vessels are excluded.

15 **SECTION 3. REGULATION OF VEHICLES WITHIN PARKS. Section 21-19 of the Palm Beach**
16 **County Code is amended as follows:**

17 (A) All applicable state or local vehicle laws are enforceable within park property.

18 (B) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic and
19 parking laws of this county including the Palm Beach County Parking Ordinance, codified in chapter 19
20 of the County Code, as may be amended, and enforce all rules and regulations set forth by the department
21 within park property. Park personnel, authorized and designated by the director, may direct traffic and
22 enforce the rules and regulations set forth by the department within park property.

1 (C) The director shall determine and all persons shall carefully observe and obey all traffic
2 signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for proper
3 control and the safeguarding of life and property.

4 (D) Notwithstanding subsection (a) above, where a public road traverses a county park, said
5 road shall be open to all through traffic permitted on any county road or highway, but such through traffic
6 shall conform to park speed and traffic regulations.

7 (E) No person driving, operating, controlling or propelling any vehicle whether motorized,
8 animal drawn, or self-propelled, shall use any other than the regularly designated paved or improved park
9 roads, pathways, trails, or driveways, except when directed to do so by a law enforcement officer or
10 department employee or by official signs or markings. No driver or operator of any vehicle shall obstruct
11 traffic or stop on any road or driveway except those places so designated.

12 (F) No person shall park a vehicle on park property at any place other than in the regular
13 designated facilities provided for that particular type of vehicle, unless directed otherwise by a law
14 enforcement officer or department employee or by official signs or markings. No driver or operator of
15 any vehicle shall park on any road or driveway except those places so designated. No driver or operator
16 of any vehicle shall leave a vehicle parked on any road, driveway or park property after posted closing
17 hours. In the case of twenty-four hour designated boating facilities, no vehicle or trailer shall be parked
18 for more than one day.

19 (G) No truck, commercial vehicle or bus shall be driven on any restricted service road or
20 property without prior authorization from the Department for the purpose of park work, service, or
21 activities.

22 (H) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle (ATV),
23 scooter, minibike or similar vehicle on any but the regular vehicle roads except for those areas designated

1 for such a specified use. The designated bicycle trails shall be used only by pedestrians and bicycles and
2 other vehicles propelled by human power. It is expressly provided that no vehicles, motorcycles, scooters,
3 minibikes, or similar vehicles shall be ridden on the designated nature trails and horse trails located within
4 Palm Beach County parks. No person shall deviate from compliance with all applicable vehicle laws and
5 regulations governing the operation of the above vehicles while on park property.

6 (I) No person shall change parts, repair, wash or grease a vehicle on any park roadway,
7 parkway, driveway, parking lot or other park property. No driver of a vehicle using gasoline or any other
8 explosive mixture as the source of power shall at any time fail to use an adequate muffler, noise arrestor,
9 or sound deadening device.

10 (J) Parking spaces are intended only for use by properly registered motor vehicles and no
11 other use is intended or permitted without prior approval of the Director.

12
13 **SECTION 4. BUILDINGS AND OTHER PROPERTY. Section 21-20 of the Palm Beach County**
14 **Code is amended as follows:**

15 (A) No person shall willfully mark, deface, injure in any way, displace, remove or tamper with
16 any park buildings, bridges, tables, benches, fireplaces, railings, paving, water lines or other public
17 utilities or parts of appurtenances thereof, park signs, notices or placards whether temporary or
18 permanent, monuments, stakes, posts or other boundary markers, or other structures of equipment,
19 facilities or park property or appurtenances whatsoever, either real or personal.

20 (B) No person shall dig, move or remove from any park area any beach sand, soil, rocks,
21 stones, trees, shrubs, whether submerged or not, or plants, down-timber, or other wood or materials, or
22 make any excavation by tool, equipment, or other means, or construct or erect any building or structure
23 of whatever kind, whether permanent or temporary in character, or run or string any public service utility

1 into, upon, or across such land, or affix any materials to any park property, except with the prior written
2 approval of the director.

3 (C) No person shall excavate or remove any artifact or archeologically sensitive material,
4 including but not limited to, Native American burial grounds and living sites from any archeologically
5 sensitive areas park property. ~~with particular concern to Native American burial grounds and living sites.~~

6 **SECTION 5. PLANT AND WILDLIFE PROTECTION AND PRESEVATION. Section 21-22 of**
7 **the Palm Beach County Code is amended as follows:**

8 (A) Within any park, no person shall cut, carve, or injure the bark or break off limbs or
9 branches or pick the flowers or seeds, of any tree, plant or shrub, nor shall any person dig in or otherwise
10 disturb grass areas, or install or remove any vegetation, or in any other way injure or impair the natural
11 beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any
12 tree or plant, or attach any rope, wire, elastic band, or other contrivance therein, whether temporary or
13 permanent in character or use, without prior approval by the director. No person shall tie or hitch any
14 animal to any tree or plant within park property.

15 (B) No person shall remove, collect, molest, harm, frighten, kill, trap, hunt, chase, shoot or
16 throw any object at any animal from, on, or through park property, nor shall any person remove or possess
17 the eggs, nests or young of any wild animal whether alive or dead without prior approval from the
18 director. The only exception to this is fish caught in permitted areas per Section 21-27 Fishing of this
19 ordinance.

20 (C) It shall be unlawful for any person to knowingly interfere with or damage any humane
21 animal trap owned by the department, or another county department or agent, or to molest or release any
22 animal caught therein.

SECTION 6. SWIMMING AND WADING. Section 21-24 of the Palm Beach County Code is amended as follows:

(A) No person shall swim or wade in any beach, water area, waterpark or pool within any park property, except where specifically designated and in compliance with such regulations as to hours of the day and safety limitations for such use as set by the department.

(B) ~~In areas designated for swimming and wading a~~All persons shall be so covered with clothing or a bathing suit so as to prevent any indecent exposure of the person in all park areas including those designated for swimming or wading.

SECTION 7. BOATING. Section 21-25 of the Palm Beach County Code is amended as follows:

(A) In addition to the provisions set forth in Florida Statutes Ch. 327, the following regulations shall apply to recreational area waters within park property:

(1) No person shall bring into, launch, or operate any vessel (as defined in Florida Statutes § 327.02, as may be amended) upon any park property, including designated swimming areas/bathing beaches, except at such places as are or may be designated for such use or purposes by the board of county commissioners or the director.

(2) The following designated swim areas are established as vessel-exclusion zones: a) those waters on Lake Worth Lagoon in Palm Beach County, Florida in Township 43 Range 42 Section 27, the area of Phil Foster Park south of the southern park boundary to an area seventy-five (75) feet north of the auxiliary channel of the Atlantic Intracoastal Waterway (ICW) (26 46.944207 N 80 02.471343 W) and from the park's eastern boundary (26 46.988084 N, 80 02.437356 W) to a point perpendicular to the sailboat launch area (26 46.947017 N, 80 02.613730 W) and north to the sailboat launch area (26 46.981623 N, 80 02.612954 W); and b) those waters on Lake Worth Lagoon in Palm Beach County, Florida in Township 43 Range 42 Section 34, the area east and southeast of Peanut Island

1 two hundred (200) feet from the mean highwater mark (one hundred (100) feet seaward of the wave-
2 break rocks) (26 46.286876 N, 80 02.621334 W) from the north end of the bathing beach (26 46.387291
3 N, 80 02.567641 W) to the boat docks of the ~~Maritime Museum~~ Port of Palm Beach former U.S. Coast
4 Guard building (26 46.235004 N, 80 02.705612 W). Any area designated for boating use shall be used
5 in accordance with such rules and regulations as are now or may hereafter be adopted by the department
6 or board of county commissioners. Boating permits may be required by the department for specific
7 boating activities within park property.

8 (3) No person shall moor, anchor, or tie up to the beach, bank or any wharf, dock, tree,
9 building, rock or any object or structure on the bank in waters within park property or property managed
10 by the department unless said person does so in pursuit of recreational activities of a temporary nature or
11 unless the owner of the vessel has obtained written permission from the director, except in an emergency
12 situation. Tropical weather conditions (depression, storm, hurricane) shall not constitute an emergency
13 situation and park facilities are in no way to be considered as a storage area during tropical weather
14 conditions for marine craft. Pursuant to Florida Statutes § 327.60 as may be amended, any lost or
15 abandoned vessel or floating structure moored, anchored on the beach, bank or any wharf, dock, tree,
16 building, rock or any object or structure managed by the department for more than one (1) day may be
17 removed by the department. The owner shall pay all removal and storage expenses when claiming the
18 vessel or floating structure. If the owner does not claim the removed lost or abandoned vessel or floating
19 structure within 30 days the disposition of the item will be determined by the department.

20 (4) No person shall launch, dock or operate any vessel on the waters of any park
21 between the closing hour of the park at night and opening hour the following morning, with the exception
22 of designated twenty-four-hour boating facilities, nor shall any person be on, or remain on or in, any
23 vessel in the park during the said closed hours of the park, except with prior approval of the director.

1 Any person doing so will be cited with an ordinance violation and be responsible for towing charges in
2 the case of vehicles, boats or trailers remaining in the park after closing hours.

3 (5) No person shall use public park property to beach or tie off their personal dingy
4 used as transportation to/from a vessel, structure or object moored off park property, unless a person is
5 visiting the park for a day to engage in a recreation activity within the park. A dingy left abandoned or
6 unattended on or attached to park property for more than one (1) day may be removed by the department.
7 The owner shall pay all removal and storage expenses when claiming the dingy. If the owner does not
8 claim the dingy within 30 days of removal, the disposition of the item will be determined by the
9 department.

10 (6) Boat operators shall be responsible for their own wake and liable for any damage
11 it may cause.

12 (7) During the staging of department approved special events, all non-participating
13 vessels and spectators shall be prohibited from entering the special event area, adjacent lakes, or boat pit
14 area and from obstructing any race, ski courses or special event use.

15 (8) No person shall operate airboats or hovercraft within park property except by
16 approval from the director.

17 (9) The director shall have the authority to establish regulations and speed limits of
18 vessels that utilize the water areas located within park property unless otherwise pre-empted by the state.

19 (B) The department shall establish rules and regulations for use of the county's boat slips for
20 dockage of vessels, boat trailer parking, lost or abandoned vessel or floating structure removal, managed
21 mooring fields and other marine facilities by the public. Rates for said usage shall be established by the
22 board of county commissioners.

(C) No person shall rent, hire, or operate any vessel within park property for a commercial purpose unless so permitted by the department.

SECTION 8. FISHING. Section 21-27 of the Palm Beach County Code is amended as follows:

(A) The buying or selling of fish and marine life is prohibited within park property.

(B) Sport fishing is allowed within park property except where specifically prohibited.

(C) The use of a troll line or spear for fishing purposes is prohibited within park property. Set cane poles are permitted if attended.

(D) All applicable state laws pertaining to fishing and licensing shall be enforced within park property.

(E) The director may establish specific fishing regulations for various water bodies within park property for reasons of public or environmental health, safety or welfare.

(F) Shark fishing or chumming is prohibited on County beaches with guarded swim areas.

(G) Fishing or attempting to fish in a County park after being warned by a lifeguard or any law enforcement officer that such activity is endangering the health and safety of the public is prohibited.
Failure to comply with a warning shall be a violation of this ordinance.

SECTION 9. PICNIC AREAS AND USE. Section 21-29 of the Palm Beach County Ordinance is amended as follows:

(A) Except for reserved park/facility areas, individual picnic tables and associated grills are available on a "first come, first served" basis.

(B) No person shall 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 nor shall any person starting a fire leave the area without extinguishing said fire.

1 (C) No person shall use a grill, picnic table or bench in a manner for which it was not intended
2 to be used such as standing on, jumping from or laying on the top.

3 **SECTION 10. CAMPING. Section 21-30 of the Palm Beach County Ordinance is amended as**
4 **follows:**

5 No person shall camp or erect or maintain a tent, shelter or camp within any park property except
6 in areas designated by the director for said purpose. The department may establish rules and regulations
7 for designated camping areas within park property. Rates for said use shall be established by the ~~board~~
8 ~~of county commissioners~~ director. Camping units are to be of commercial manufacture and be of flame
9 retardant material. House trailers are prohibited.

10 **SECTION 11. ANIMALS. Section 21-32 of the Palm Beach County Code is amended as follows:**

11 (A) Except in specified areas, domesticated animals, except those considered to be a nuisance,
12 as determined by the director, are permitted within park property. Said animals must be restrained at all
13 times at a distance of not greater than six (6) feet in length from their handler.

14 (B) No person shall bring into, nor allow to enter, any park property any nondomesticated
15 animals including, but not limited to cattle, mules, swine, sheep, goats, fowl or reptiles except where, in
16 conjunction with projects sponsored by county departments or upon permit from the director.

17 (C) Dangerous and Aggressive dogs, as defined in Ordinance No. 98-22, the Palm Beach
18 County Animal Care and Control Ordinance, as it may be amended, are prohibited from park property.

19 (D) In conjunction with projects and facilities administered by county departments or upon
20 permit from the director, animals may be allowed in designated areas of the parks at specified times
21 without restraints.

22 **SECTION 12. ALCOHOLIC BEVERAGES. Section 21-33 of the Palm Beach County Code is**
23 **amended as follows:**

1 (A) The sale, purchase, consumption, and possession of alcoholic beverages as defined in
2 Florida Statutes § 561.01 is hereby prohibited within park property except as specifically provided in
3 accordance with the provisions set forth herein.

4 (B) Notwithstanding the prohibition set forth in subsection (a) above, the possession of
5 alcoholic beverages in sealed original packages in any vehicle, vessel, or conveyance for purposes of
6 storing or transporting such and not for purposes of selling or consuming such within park property shall
7 not be a violation of this article.

8 (C) The director may designate specific areas in which alcoholic beverages may be possessed
9 and/or consumed. Designated areas may include, but are not limited to, picnic areas, golf courses,
10 museums, amphitheaters, areas reserved for large groups or special events, and facilities for food service.
11 Kegs of beer or other alcoholic malt liquor will be authorized only by permit or contract and in
12 conjunction with a reserved park facility area.

13 (D) The director may permit, in writing, the sale, possession, and/or consumption of alcoholic
14 beverages incidental to a special event. Said permission may not exceed four (4) consecutive days the
15 term of the event.

16 (E) The director ~~board of county commissioners~~ may permit the sale of alcoholic beverages
17 by private contractors who operate or manage facilities within park property including but not limited to
18 food service, performing arts, museums, pier, golf courses, and other facilities, as the director ~~board of~~
19 ~~county commissioners~~ deems appropriate.

20 (F) At its option, the county may obtain, in its name, the necessary state licensing for the sale
21 of alcoholic beverages. The county may, at its option, have such license transferred to a contractor's or
22 lessee's name, provided, however, that such licensing shall immediately revert to the county upon

1 termination, for any reason, of the contractor's agreement or lessee's lease with the county. The license
2 holder shall take all action and execute all documents necessary to effect said transfer to the county.

3 (G) The permission granted under this section shall be subject to all ordinances, laws, rules
4 and regulations applicable in Palm Beach County, and any grantee shall be responsible for compliance
5 thereto. The permission granted may also be subject to, and granted with, specific conditions as set forth
6 by the department, and the grantee shall be responsible for insuring compliance thereto.

7 (H) No person who is intoxicated or under the influence of drugs will be permitted in parks or
8 recreation areas.

9
10 **SECTION 13. PARK USAGE. Section 21-35 of the Palm Beach County Code is amended as follows:**

11 (A) It is the policy of the county to afford all citizens the opportunity to utilize county parks
12 and also to participate in free speech activities within park property to the fullest extent permitted by law.
13 The parks and recreation director has the authority to establish guidelines for the permitting of special
14 events, demonstrations, gatherings, performances or other mass assemblages at county parks.

15 (B) No person shall be or remain in any part of any park property between sunset and sunrise
16 or as specifically posted. The provisions of this section shall not apply to police officers or department
17 employees while in the discharge of their duties nor to persons having a permit in writing issued by the
18 department to be or remain in any part of the parks between such hours. The department director has the
19 authority to establish exceptions to the closing hours as set forth above when it is in the interest of the
20 public health, safety or welfare and such exceptions shall be posted.

21 (C) No person shall loiter in or around any park areas including, but not limited to, restrooms,
22 dressing rooms or bathhouses, picnic shelters/areas, wooded or natural/undeveloped areas.

(D) No person shall conduct an activity within a county park that is prohibited, restricted, or regulated by posted signage.

SECTION 14. COMMERCIAL ACTIVITIES. Section 21-36 of the Palm Beach County Code is amended as follows:

(A) No person shall park or station on any park property any vehicle displaying a sign or notice with the intent of offering said vehicle for sale or exchange.

(B) No person shall advertise or offer for sale any article, material, or service, nor place any stand, cart, or vehicle for the transportation, sale, trade or display of any article, material or service for sale or trade within any park area unless in conjunction with a permitted use of a reserved park/facility area or concession permit/contract.

(C) No person shall distribute, display or affix any printed materials or advertisements to or within any park property. Exceptions to this rule are printed materials or advertisements permanently affixed on vehicles or on clothing, distribution of printed handbills or leaflets the purpose of which is not solely commercial, announcements of park sponsored or sanctioned events; authorized signs located entirely within concession structures, and signs or distribution of printed materials in conjunction with a permitted use of reserved park/facility area, special event, or concession service.

(D) No person shall utilize any park property to facilitate a commercial operation, whether land-based or from the water, without authorization from the director or assistant director.

SECTION 15. RESERVED PARK/FACILITY AREAS. Section 21-37 of the Palm Beach County Code is amended as follows:

Park/facility areas shall not be reserved except by permit or contract issued by the director. Said reserved park/facility areas include, but are not limited to, athletic fields, group picnic shelters and associated facilities, recreation and civic facilities, amphitheaters, equestrian centers, museums, pools, and those

1 areas requested for use for special events. Persons permitted for use of reserved park/facility areas must
2 comply with all applicable rules and regulations and pay the associated fees as may be established by the
3 department. ~~With the exception of the limited authority, delegated to the department regarding~~
4 ~~amphitheaters, permit requested for use of reserved park/facility areas for for-profit activities require~~
5 ~~approval by the board of county commissioners.~~

6 **SECTION 16. PERMITS. Section 21-38 of the Palm Beach County Code is amended as follows:**

7 The director has the authority to establish fees and to develop permitting systems and related rules and
8 regulations for the use of park facilities. Violations of permit requirements shall result in suspension or
9 revocation of such permit.

10 **SECTION 17. POLLUTION OF WATERS. Section 21-41 of the Palm Beach Code is amended as**
11 **follows:**

12 No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain,
13 pond, lake, lagoon, stream, bay or other body of water within or from Park property any substance, matter
14 or thing, liquid or solid, which will or may result in the pollution of said waters.

15 **SECTION 18. PUBLIC UTILITIES. Section 21-43 of the Palm Beach County Code is amended as**
16 **follows:**

17 Public utilities serving park property or traversing park property (i.e. electric utilities, water and sewer
18 lines) shall be subject to reasonable regulations as may be hereafter adopted in the public interest in order
19 to protect county parks from unsightly and inconveniently located fixtures, installations and facilities.
20 No person shall tamper with or damage public park utility fixtures, installations or facilities.

21 **SECTION 19. ENFORCEMENT. Section 21-45 of the Palm Beach County Code is amended as**
22 **follows:**

1 (A) It shall be the duty and responsibility of all municipal law enforcement officers within
2 their jurisdiction to enforce all state laws, municipal ordinances, county ordinances, and ~~county~~ state
3 traffic regulations within park property and other areas maintained and operated by the department.

4 (B) It shall be the duty and responsibility of any law enforcement agency officers having
5 jurisdiction of the area within which the park is located and ~~designated~~ authorized department
6 employees to enforce all park rules and regulations. It shall be unlawful for any person to do any act
7 forbidden or fail to perform any act required by these rules or for any person to fail to comply with any
8 lawful and reasonable order given by law enforcement officers. Violators of this article may be ordered
9 to leave park areas by law enforcement officers and ~~designated~~ authorized department employees.
10 Failure to leave once ordered constitutes a separate violation of this article.

11 (C) It shall be the duty and responsibility of any law enforcement agency officers having
12 jurisdiction of the area within which the park is located and authorized department employees to
13 enforce all provisions of permits issued by the department. It shall be unlawful for any person to do any
14 act forbidden or fail to perform any act required by any permit issued by the department. Copies of
15 regulations pertaining to reserved park/facility areas shall be furnished with each permit issued.

16 **SECTION 20. PENALTIES. Section 21-46 of the Palm Beach County Code is amended as follows:**

17 Failure to comply with the provisions set forth in this article shall constitute a violation of a
18 county ordinance and shall be punished upon conviction, pursuant to F.S. § 125.69(1), by a fine not to
19 exceed five hundred dollars (\$500.00) per violation per day for as long as the violation continues or
20 imprisonment not exceeding sixty (60) days, or both fine and imprisonment. Violations of this article
21 that are continuous with respect to time may be abated by injunctive or other equitable relief. The
22 imposition of a penalty does not prevent equitable relief.

1 The director or authorized agent may eject from a park or recreation facility and may confiscate any
2 permit, pass or license issued for entrance or use of any park or recreation facility of any person acting
3 in violation of the provisions of this ordinance.

4 **SECTION 21. SAVINGS CLAUSE**

5 This Ordinance shall not affect or impair the processing and implementation of any permit
6 issued or any act authorized pursuant to the provisions of Ordinance No. 96-44, 2004-022, or 2011-
7 003. All permits and authorizations initiated under said Ordinance shall continue in full force and effect
8 until completed. Upon expiration of an existing permit or authorization, the permittee or authorized
9 person must apply for a new permit or seek authorization in accordance with the provisions as set forth
10 herein.

11 **SECTION 22. REPEAL OF LAWS IN CONFLICT**

12 All local laws and ordinances in conflict with any provisions of the Ordinance are hereby
13 repealed to the extent of such conflict.

14 **SECTION 23. SEVERABILITY**

15 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this Ordinance
16 is for any reason held by the Court to be unconstitutional, in operative or void, such holding shall not
17 affect the remainder of the Ordinance.

18 **SECTION 24. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

19 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
20 Ordinances of Palm Beach County, Florida. The articles and sections of this Ordinance may be

1 renumbered or relettered to accomplish such, and the word Ordinance may be changed to Section,
2 Article, or any other appropriate word.

3 **SECTION 25. EFFECTIVE DATE**

4 The provisions of this Ordinance shall become effective upon filing with the Secretary of State.

ORDINANCE NO. 2018-XXX

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 21 OF THE PALM BEACH COUNTY CODE (ORDINANCE 2011-003) PERTAINING TO PARKS AND RECREATION; AMENDING SECTION 21-18 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); SECTION 21-19 OF THE PALM BEACH COUNTY CODE (REGULATION OF VEHICLES WITHIN PARKS); SECTION 21-20 OF THE PALM BEACH COUNTY CODE (BUILDINGS AND OTHER PROPERTIES); SECTION 21-22 OF THE PALM BEACH COUNTY CODE (PLANT AND WILDLIFE PROTECTION AND PRESERVATION); SECTION 21-24 OF THE PALM BEACH COUNTY CODE (SWIMMING AND WADING); SECTION 21-25 OF THE PALM BEACH COUNTY CODE (BOATING); SECTION 21-27 OF THE PALM BEACH COUNTY CODE (FISHING); SECTION 21-29 OF THE PALM BEACH COUNTY CODE (PICNIC AREAS AND USE); SECTION 21-30 OF THE PALM BEACH COUNTY CODE (CAMPING); SECTION 21-32 OF THE PALM BEACH COUNTY CODE (ANIMALS); SECTION 21-33 OF THE PALM BEACH COUNTY CODE (ALCOHOLIC BEVERAGES); SECTION 21-35 OF THE PALM BEACH COUNTY CODE (PARK USAGE); SECTION 21-36 OF THE PALM BEACH COUNTY CODE (COMMERCIAL ACTIVITIES); SECTION 21-37 OF THE PALM BEACH COUNTY CODE (RESERVED PARK/FACILITY AREAS); SECTION 21-38 OF THE PALM BEACH COUNTY CODE (PERMITS); SECTION 21-41 OF THE PALM BEACH COUNTY CODE (POLLUTION OF WATERS); SECTION 21-43 OF THE PALM BEACH COUNTY CODE (PUBLIC UTILITIES); SECTION 21-45 OF THE PALM BEACH COUNTY CODE (ENFORCEMENT); SECTION 21-46 OF THE PALM BEACH COUNTY CODE (PENALTIES); PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(f), Florida Statutes, grants Palm Beach County the power to provide parks, preserves, playgrounds, recreation areas and other recreational facilities for the welfare of its citizens; and

WHEREAS, it is necessary to amend Ordinance 2011-003, to conform with federal and state law and to provide for more efficient and effective operations of Palm Beach County parks and recreation areas.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS**
2 **OF PALM BEACH COUNTY, FLORIDA, that:**

3 **SECTION 2. DEFINITIONS. Section 21-18 of the Palm Beach County Code is amended as follows:**

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

6 (A) **ABANDONED PROPERTY.** Pursuant to F.S. 705.101, "The term "abandoned
7 property" means all tangible personal property that does not have an identifiable owner and that has been
8 disposed on public property in a wrecked, inoperative, or partially dismantled condition or has no apparent
9 intrinsic value to the rightful owner. The term includes derelict vessels as defined in s. 823.11"

10 (B) **BEACH, WATER AREA, WATERPARKS OR POOL.** Any beach, water area,
11 waterpark or pool designated by the board of county commissioners as such, within any park property,
12 either on the ocean or inland, including the actual sand beach, if any, used for swimming, water sports,
13 and wading.

14 (C) **CHUMMING.** The practice of luring animals, usually fish such as sharks, by throwing
15 bait into the water. Bait may consist of fish parts, bone and blood, which attract the animal.

16 (D) **DEPARTMENT.** The term "the department" when used herein is defined as the Palm
17 Beach County Parks and Recreation Department.

18 (E) **DIRECTOR.** The terms "director" or "parks director" when used hereinafter are defined
19 as the director of the Palm Beach County Parks and Recreation Department.

20 (F) **ASSISTANT DIRECTOR.** The term assistant director when used hereinafter is defined
21 as the Assistant Director of the Palm Beach County Parks and Recreation Department. This position shall
22 serve as the director's designee.

23 (G) **EXOTIC ANIMAL.** A non-native animal species that occurs in South Florida, as a result
24 of direct or indirect, deliberate or accidental actions by humans, which may include but not be limited to,

1 domestic, semi-domestic, or feral animals, considered to be a nuisance as determined by the director or
2 his designee.

3 (H) **LOST PROPERTY.** Pursuant to F.S. 705.101, “The term “lost property” means all
4 tangible personal property which does not have an identifiable owner and which has been mislaid on
5 public property, upon a public conveyance, on premises used at the time for business purposes, or in parks,
6 places of amusement, public recreation areas, or other places open to the public in a substantially operable,
7 functioning condition or which has an apparent intrinsic value to the rightful owner.”

8 (I) **NATIVE ANIMAL.** An animal species that occurs naturally in or is indigenous to South
9 Florida.

10 (J) **PARK.** The terms "park", "parkways", "recreational areas", "natural areas", "marinas"
11 and "areas operated and maintained by the department" may include, but are not limited to, parks,
12 wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses, community
13 centers, recreation centers, amphitheaters, museums, equestrian centers, auditoriums, ranges, lakes,
14 streams, canals, lagoons, waterways, pools, waterparks, water areas located on inland and coastal areas
15 including park property located within or adjacent to the waters of the Atlantic Intracoastal Waterway,
16 Lake Worth Lagoon, and Atlantic Ocean, and beaches therein and all grounds, water areas, buildings and
17 structures in Palm Beach County which are under the control of or assigned for upkeep, maintenance or
18 operation by the department.

19 (K) **PARKING AREA.** Any designated part of any park road, drive or area that is designated
20 for the standing or stationing of any vehicles.

21 (L) **PARK PROPERTY.** The term park property is defined to cover all areas, grounds,
22 buildings, locations and facilities described in the definition for "park".

1 (M) **PERMIT.** The term "permit" means a document or certificate provided by the department
2 granting permission for use of reserved park/facility areas and which sets forth terms and conditions
3 applicable thereto.

4 (N) **PERSON.** The word "person" includes natural persons, firms, associations, joint ventures,
5 partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups and
6 combinations.

7 (O) **VEHICLE.** The term "vehicle" means any wheeled conveyance (except a baby carriage
8 or wheelchair) for transportation of persons or materials whether: (1) powered or drawn by motor such
9 as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle; (2) animal-drawn such as
10 a carriage, wagon, or cart; (3) self-propelled such as a bicycle, tricycle, or skateboard; or (4) towed such
11 as a trailer of any size, kind or description. "Vehicle" does not include any recreational or park
12 transportation service operated or authorized by the department.

13 (P) **VESSEL-EXCLUSION ZONE.** The term "vessel exclusion zone" means an area from
14 which all vessels or certain classes of vessels are excluded.

15 **SECTION 3. REGULATION OF VEHICLES WITHIN PARKS. Section 21-19 of the Palm Beach**
16 **County Code is amended as follows:**

17 (A) All applicable state or local vehicle laws are enforceable within park property.

18 (B) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic and
19 parking laws of this county including the Palm Beach County Parking Ordinance, codified in chapter 19
20 of the County Code, as may be amended, and enforce all rules and regulations set forth by the department
21 within park property. Park personnel, authorized and designated by the director, may direct traffic and
22 enforce the rules and regulations set forth by the department within park property.

1 (C) The director shall determine and all persons shall carefully observe and obey all traffic
2 signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for proper
3 control and the safeguarding of life and property.

4 (D) Notwithstanding subsection (a) above, where a public road traverses a county park, said
5 road shall be open to all through traffic permitted on any county road or highway, but such through traffic
6 shall conform to park speed and traffic regulations.

7 (E) No person driving, operating, controlling or propelling any vehicle whether motorized,
8 animal drawn, or self-propelled, shall use any other than the regularly designated paved or improved park
9 roads, pathways, trails, or driveways, except when directed to do so by a law enforcement officer or
10 department employee or by official signs or markings. No driver or operator of any vehicle shall obstruct
11 traffic or stop on any road or driveway except those places so designated.

12 (F) No person shall park a vehicle on park property at any place other than in the regular
13 designated facilities provided for that particular type of vehicle, unless directed otherwise by a law
14 enforcement officer or department employee or by official signs or markings. No driver or operator of
15 any vehicle shall park on any road or driveway except those places so designated. No driver or operator
16 of any vehicle shall leave a vehicle parked on any road, driveway or park property after posted closing
17 hours. In the case of twenty-four hour designated boating facilities, no vehicle or trailer shall be parked
18 for more than one day.

19 (G) No truck, commercial vehicle or bus shall be driven on any restricted service road or
20 property without prior authorization from the Department for the purpose of park work, service, or
21 activities.

22 (H) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle (ATV),
23 scooter, minibike or similar vehicle on any but the regular vehicle roads except for those areas designated

1 for such a specified use. The designated bicycle trails shall be used only by pedestrians and bicycles and
2 other vehicles propelled by human power. It is expressly provided that no vehicles, motorcycles, scooters,
3 minibikes, or similar vehicles shall be ridden on the designated nature trails and horse trails located within
4 Palm Beach County parks. No person shall deviate from compliance with all applicable vehicle laws and
5 regulations governing the operation of the above vehicles while on park property.

6 (I) No person shall change parts, repair, wash or grease a vehicle on any park roadway,
7 parkway, driveway, parking lot or other park property. No driver of a vehicle using gasoline or any other
8 explosive mixture as the source of power shall at any time fail to use an adequate muffler, noise arrestor,
9 or sound deadening device.

10 (J) Parking spaces are intended only for use by properly registered motor vehicles and no
11 other use is intended or permitted without prior approval of the Director.

12

13 **SECTION 4. BUILDINGS AND OTHER PROPERTY. Section 21-20 of the Palm Beach County**
14 **Code is amended as follows:**

15 (A) No person shall willfully mark, deface, injure in any way, displace, remove or tamper with
16 any park buildings, bridges, tables, benches, fireplaces, railings, paving, water lines or other public
17 utilities or parts of appurtenances thereof, park signs, notices or placards whether temporary or
18 permanent, monuments, stakes, posts or other boundary markers, or other structures of equipment,
19 facilities or park property or appurtenances whatsoever, either real or personal.

20 (B) No person shall dig, move or remove from any park area any beach sand, soil, rocks,
21 stones, trees, shrubs, whether submerged or not, or plants, down-timber, or other wood or materials, or
22 make any excavation by tool, equipment, or other means, or construct or erect any building or structure
23 of whatever kind, whether permanent or temporary in character, or run or string any public service utility

1 into, upon, or across such land, or affix any materials to any park property, except with the prior written
2 approval of the director.

3 (C) No person shall excavate or remove any artifact or archeologically sensitive material,
4 including but not limited to, Native American burial grounds and living sites from park property.

5 **SECTION 5. PLANT AND WILDLIFE PROTECTION AND PRESEVATION. Section 21-22 of**
6 **the Palm Beach County Code is amended as follows:**

7 (A) Within any park, no person shall cut, carve, or injure the bark or break off limbs or
8 branches or pick the flowers or seeds, of any tree, plant or shrub, nor shall any person dig in or otherwise
9 disturb grass areas, or install or remove any vegetation, or in any other way injure or impair the natural
10 beauty or usefulness of any area, nor shall any person pile debris or material of any kind on or about any
11 tree or plant, or attach any rope, wire, elastic band, or other contrivance therein, whether temporary or
12 permanent in character or use, without prior approval by the director. No person shall tie or hitch any
13 animal to any tree or plant within park property.

14 (B) No person shall remove, collect, molest, harm, frighten, kill, trap, hunt, chase, shoot or
15 throw any object at any animal from, on, or through park property, nor shall any person remove or possess
16 the eggs, nests or young of any wild animal whether alive or dead without prior approval from the
17 director. The only exception to this is fish caught in permitted areas per Section 21-27 Fishing of this
18 ordinance.

19 (C) It shall be unlawful for any person to knowingly interfere with or damage any humane
20 animal trap owned by the department, or another county department or agent, or to molest or release any
21 animal caught therein.

22 **SECTION 6. SWIMMING AND WADING. Section 21-24 of the Palm Beach County Code is**
23 **amended as follows:**

1 (A) No person shall swim or wade in any beach, water area, waterpark or pool within any park
2 property, except where specifically designated and in compliance with such regulations as to hours of
3 the day and safety limitations for such use as set by the department.

4 (B) All persons shall be so covered with clothing or a bathing suit so as to prevent any indecent
5 exposure of the person in all park areas including those designated for swimming or wading.

6 **SECTION 7. BOATING. Section 21-25 of the Palm Beach County Code is amended as follows:**

7 (A) In addition to the provisions set forth in Florida Statutes Ch. 327, the following regulations
8 shall apply to recreational area waters within park property:

9 (1) No person shall bring into, launch, or operate any vessel (as defined in Florida
10 Statutes § 327.02, as may be amended) upon any park property, including designated swimming
11 areas/bathing beaches, except at such places as are or may be designated for such use or purposes by the
12 board of county commissioners or the director.

13 (2) The following designated swim areas are established as vessel-exclusion zones: a)
14 those waters on Lake Worth Lagoon in Palm Beach County, Florida in Township 43 Range 42 Section
15 27, the area of Phil Foster Park south of the southern park boundary to an area seventy-five (75) feet
16 north of the auxiliary channel of the Atlantic Intracoastal Waterway (ICW) (26 46.944207 N 80
17 02.471343 W) and from the park's eastern boundary (26 46.988084 N, 80 02.437356 W) to a point
18 perpendicular to the sailboat launch area (26 46.947017 N, 80 02.613730 W) and north to the sailboat
19 launch area (26 46.981623 N, 80 02.612954 W); and b) those waters on Lake Worth Lagoon in Palm
20 Beach County, Florida in Township 43 Range 42 Section 34, the area east and southeast of Peanut Island
21 two hundred (200) feet from the mean highwater mark (one hundred (100) feet seaward of the wave-
22 break rocks) (26 46.286876 N, 80 02.621334 W) from the north end of the bathing beach (26 46.387291
23 N, 80 02.567641 W) to the boat docks of the Port of Palm Beach former U.S. Coast Guard building (26

1 46.235004 N, 80 02.705612 W). Any area designated for boating use shall be used in accordance with
2 such rules and regulations as are now or may hereafter be adopted by the department or board of county
3 commissioners. Boating permits may be required by the department for specific boating activities within
4 park property.

5 (3) No person shall moor, anchor, or tie up to the beach, bank or any wharf, dock, tree,
6 building, rock or any object or structure on the bank in waters within park property or property managed
7 by the department unless said person does so in pursuit of recreational activities of a temporary nature or
8 unless the owner of the vessel has obtained written permission from the director, except in an emergency
9 situation. Tropical weather conditions (depression, storm, hurricane) shall not constitute an emergency
10 situation and park facilities are in no way to be considered as a storage area during tropical weather
11 conditions for marine craft. Pursuant to Florida Statutes § 327.60 as may be amended, any lost or
12 abandoned vessel or floating structure moored, anchored on the beach, bank or any wharf, dock, tree,
13 building, rock or any object or structure managed by the department for more than one (1) day may be
14 removed by the department. The owner shall pay all removal and storage expenses when claiming the
15 vessel or floating structure. If the owner does not claim the removed lost or abandoned vessel or floating
16 structure within 30 days the disposition of the item will be determined by the department.

17 (4) No person shall launch, dock or operate any vessel on the waters of any park
18 between the closing hour of the park at night and opening hour the following morning, with the exception
19 of designated twenty-four-hour boating facilities, nor shall any person be on, or remain on or in, any
20 vessel in the park during the said closed hours of the park, except with prior approval of the director.
21 Any person doing so will be cited with an ordinance violation and be responsible for towing charges in
22 the case of vehicles, boats or trailers remaining in the park after closing hours.

1 (5) No personal shall use public park property to beach or tie off their personal dingy
2 used as transportation to/from a vessel, structure or object moored off park property, unless a person is
3 visiting the park for a day to engage in a recreation activity within the park. A dingy left abandoned or
4 unattended on or attached to park property for more than one (1) day may be removed by the department.
5 The owner shall pay all removal and storage expenses when claiming the dingy. If the owner does not
6 claim the dingy within 30 days of removal, the disposition of the item will be determined by the
7 department.

8 (6) Boat operators shall be responsible for their own wake and liable for any damage
9 it may cause.

10 (7) During the staging of department approved special events, all non-participating
11 vessels and spectators shall be prohibited from entering the special event area, adjacent lakes, or boat pit
12 area and from obstructing any race, ski courses or special event use.

13 (8) No person shall operate airboats or hovercraft within park property except by
14 approval from the director.

15 (9) The director shall have the authority to establish regulations and speed limits of
16 vessels that utilize the water areas located within park property unless otherwise pre-empted by the state.

17 (B) The department shall establish rules and regulations for use of the county's boat slips for
18 dockage of vessels, boat trailer parking, lost or abandoned vessel or floating structure removal, managed
19 mooring fields and other marine facilities by the public. Rates for said usage shall be established by the
20 board of county commissioners.

21 (C) No person shall rent, hire, or operate any vessel within park property for a commercial
22 purpose unless so permitted by the department.

1 **SECTION 8. FISHING. Section 21-27 of the Palm Beach County Code is amended as follows:**

2 (A) The buying or selling of fish and marine life is prohibited within park property.

3 (B) Sport fishing is allowed within park property except where specifically prohibited.

4 (C) The use of a troll line or spear for fishing purposes is prohibited within park property. Set
5 cane poles are permitted if attended.

6 (D) All applicable state laws pertaining to fishing and licensing shall be enforced within park
7 property.

8 (E) The director may establish specific fishing regulations for various water bodies within
9 park property for reasons of public or environmental health, safety or welfare.

10 (F) Shark fishing or chumming is prohibited on County beaches with guarded swim areas.

11 (G) Fishing or attempting to fish in a County park after being warned by a lifeguard or any
12 law enforcement officer that such activity is endangering the health and safety of the public is prohibited.
13 Failure to comply with a warning shall be a violation of this ordinance.

14 **SECTION 9. PICNIC AREAS AND USE. Section 21-29 of the Palm Beach County Ordinance is**
15 **amended as follows:**

16 (A) Except for reserved park/facility areas, individual picnic tables and associated grills are
17 available on a "first come, first served" basis.

18 (B) No person shall use a grill or other device in such a manner as to burn, char, mar or blemish
19 any bench, table, or other object of park property nor shall any person starting a fire leave the area without
20 extinguishing said fire.

21 (C) No person shall use a grill, picnic table or bench in a manner for which it was not intended
22 to be used such as standing on, jumping from or laying on the top.

1 **SECTION 10. CAMPING. Section 21-30 of the Palm Beach County Ordinance is amended as**
2 **follows:**

3 No person shall camp or erect or maintain a tent, shelter or camp within any park property except
4 in areas designated by the director for said purpose. The department may establish rules and regulations
5 for designated camping areas within park property. Rates for said use shall be established by the director.
6 Camping units are to be of commercial manufacture and be of flame retardant material. House trailers
7 are prohibited.

8 **SECTION 11. ANIMALS. Section 21-32 of the Palm Beach County Code is amended as follows:**

9 (A) Except in specified areas, domesticated animals, except those considered to be a nuisance,
10 as determined by the director, are permitted within park property. Said animals must be restrained at all
11 times at a distance of not greater than six (6) feet in length from their handler.

12 (B) No person shall bring into, nor allow to enter, any park property any nondomesticated
13 animals including, but not limited to cattle, mules, swine, sheep, goats, fowl or reptiles except where, in
14 conjunction with projects sponsored by county departments or upon permit from the director.

15 (C) Dangerous and Aggressive dogs, as defined in Ordinance No. 98-22, the Palm Beach
16 County Animal Care and Control Ordinance, as it may be amended, are prohibited from park property.

17 (D) In conjunction with projects and facilities administered by county departments or upon
18 permit from the director, animals may be allowed in designated areas of the parks at specified times
19 without restraints.

20 **SECTION 12. ALCOHOLIC BEVERAGES. Section 21-33 of the Palm Beach County Code is**
21 **amended as follows:**

1 (A) The sale, purchase, consumption, and possession of alcoholic beverages as defined in
2 Florida Statutes § 561.01 is hereby prohibited within park property except as specifically provided in
3 accordance with the provisions set forth herein.

4 (B) Notwithstanding the prohibition set forth in subsection (a) above, the possession of
5 alcoholic beverages in sealed original packages in any vehicle, vessel, or conveyance for purposes of
6 storing or transporting such and not for purposes of selling or consuming such within park property shall
7 not be a violation of this article.

8 (C) The director may designate specific areas in which alcoholic beverages may be possessed
9 and/or consumed. Designated areas may include, but are not limited to, picnic areas, golf courses,
10 museums, amphitheaters, areas reserved for large groups or special events, and facilities for food service.
11 Kegs of beer or other alcoholic malt liquor will be authorized only by permit or contract and in
12 conjunction with a reserved park facility area.

13 (D) The director may permit, in writing, the sale, possession, and/or consumption of alcoholic
14 beverages incidental to a special event. Said permission may not exceed the term of the event.

15 (E) The director may permit the sale of alcoholic beverages by private contractors who operate
16 or manage facilities within park property including but not limited to food service, performing arts,
17 museums, pier, golf courses, and other facilities, as the director deems appropriate.

18 (F) At its option, the county may obtain, in its name, the necessary state licensing for the sale
19 of alcoholic beverages. The county may, at its option, have such license transferred to a contractor's or
20 lessee's name, provided, however, that such licensing shall immediately revert to the county upon
21 termination, for any reason, of the contractor's agreement or lessee's lease with the county. The license
22 holder shall take all action and execute all documents necessary to effect said transfer to the county.

1 (G) The permission granted under this section shall be subject to all ordinances, laws, rules
2 and regulations applicable in Palm Beach County, and any grantee shall be responsible for compliance
3 thereto. The permission granted may also be subject to, and granted with, specific conditions as set forth
4 by the department, and the grantee shall be responsible for insuring compliance thereto.

5 (H) No person who is intoxicated or under the influence of drugs will be permitted in parks or
6 recreation areas.

7
8 **SECTION 13. PARK USAGE. Section 21-35 of the Palm Beach County Code is amended as follows:**

9 (A) It is the policy of the county to afford all citizens the opportunity to utilize county parks
10 and also to participate in free speech activities within park property to the fullest extent permitted by law.
11 The parks and recreation director has the authority to establish guidelines for the permitting of special
12 events, demonstrations, gatherings, performances or other mass assemblages at county parks.

13 (B) No person shall be or remain in any part of any park property between sunset and sunrise
14 or as specifically posted. The provisions of this section shall not apply to police officers or department
15 employees while in the discharge of their duties nor to persons having a permit in writing issued by the
16 department to be or remain in any part of the parks between such hours. The department director has the
17 authority to establish exceptions to the closing hours as set forth above when it is in the interest of the
18 public health, safety or welfare and such exceptions shall be posted.

19 (C) No person shall loiter in or around any park areas including, but not limited to, restrooms,
20 dressing rooms or bathhouses, picnic shelters/areas, wooded or natural/undeveloped areas.

21 (D) No person shall conduct an activity within a county park that is prohibited, restricted, or
22 regulated by posted signage.

SECTION 14. COMMERCIAL ACTIVITIES. Section 21-36 of the Palm Beach County Code is amended as follows:

(A) No person shall park or station on any park property any vehicle displaying a sign or notice with the intent of offering said vehicle for sale or exchange.

(B) No person shall advertise or offer for sale any article, material, or service, nor place any stand, cart, or vehicle for the transportation, sale, trade or display of any article, material or service for sale or trade within any park area unless in conjunction with a permitted use of a reserved park/facility area or concession permit/contract.

(C) No person shall distribute, display or affix any printed materials or advertisements to or within any park property. Exceptions to this rule are printed materials or advertisements permanently affixed on vehicles or on clothing, distribution of printed handbills or leaflets the purpose of which is not solely commercial, announcements of park sponsored or sanctioned events; authorized signs located entirely within concession structures, and signs or distribution of printed materials in conjunction with a permitted use of reserved park/facility area, special event, or concession service.

(D) No person shall utilize any park property to facilitate a commercial operation, whether land-based or from the water, without authorization from the director or assistant director.

SECTION 15. RESERVED PARK/FACILITY AREAS. Section 21-37 of the Palm Beach County Code is amended as follows:

Park/facility areas shall not be reserved except by permit or contract issued by the director. Said reserved park/facility areas include, but are not limited to, athletic fields, group picnic shelters and associated facilities, recreation and civic facilities, amphitheaters, equestrian centers, museums, pools, and those areas requested for use for special events. Persons permitted for use of reserved park/facility areas must comply with all applicable rules and regulations and pay the associated fees as may be established by the department.

SECTION 16. PERMITS. Section 21-38 of the Palm Beach County Code is amended as follows:

The director has the authority to establish fees and to develop permitting systems and related rules and regulations for the use of park facilities. Violations of permit requirements shall result in suspension or revocation of such permit.

SECTION 17. POLLUTION OF WATERS. Section 21-41 of the Palm Beach Code is amended as follows:

No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, lagoon, stream, bay or other body of water within or from Park property any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

SECTION 18. PUBLIC UTILITIES. Section 21-43 of the Palm Beach County Code is amended as follows:

Public utilities serving park property or traversing park property (i.e. electric utilities, water and sewer lines) shall be subject to reasonable regulations as may be hereafter adopted in the public interest in order to protect county parks from unsightly and inconveniently located fixtures, installations and facilities.

No person shall tamper with or damage public park utility fixtures, installations or facilities.

SECTION 19. ENFORCEMENT. Section 21-45 of the Palm Beach County Code is amended as follows:

(A) It shall be the duty and responsibility of all municipal law enforcement officers within their jurisdiction to enforce all state laws, municipal ordinances, county ordinances, and state traffic regulations within park property and other areas maintained and operated by the department.

(B) It shall be the duty and responsibility of any law enforcement agency officers having jurisdiction of the area within which the park is located and authorized department employees to enforce all park rules and regulations. It shall be unlawful for any person to do any act forbidden or fail

1 to perform any act required by these rules or for any person to fail to comply with any lawful and
2 reasonable order given by law enforcement officers. Violators of this article may be ordered to leave
3 park areas by law enforcement officers and authorized department employees. Failure to leave once
4 ordered constitutes a separate violation of this article.

5 (C) It shall be the duty and responsibility of any law enforcement agency officers having
6 jurisdiction of the area within which the park is located and authorized department employees to
7 enforce all provisions of permits issued by the department. It shall be unlawful for any person to do any
8 act forbidden or fail to perform any act required by any permit issued by the department. Copies of
9 regulations pertaining to reserved park/facility areas shall be furnished with each permit issued.

10 **SECTION 20. PENALTIES. Section 21-46 of the Palm Beach County Code is amended as follows:**

11 Failure to comply with the provisions set forth in this article shall constitute a violation of a
12 county ordinance and shall be punished upon conviction, pursuant to F.S. § 125.69(1), by a fine not to
13 exceed five hundred dollars (\$500.00) per violation per day for as long as the violation continues or
14 imprisonment not exceeding sixty (60) days, or both fine and imprisonment. Violations of this article
15 that are continuous with respect to time may be abated by injunctive or other equitable relief. The
16 imposition of a penalty does not prevent equitable relief.

17 The director or authorized agent may eject from a park or recreation facility and may confiscate any
18 permit, pass or license issued for entrance or use of any park or recreation facility of any person acting
19 in violation of the provisions of this ordinance.

20 **SECTION 21. SAVINGS CLAUSE**

21 This Ordinance shall not affect or impair the processing and implementation of any permit
22 issued or any act authorized pursuant to the provisions of Ordinance No. 96-44, 2004-022, or 2011-

1 003. All permits and authorizations initiated under said Ordinance shall continue in full force and effect
2 until completed. Upon expiration of an existing permit or authorization, the permittee or authorized
3 person must apply for a new permit or seek authorization in accordance with the provisions as set forth
4 herein.

5 **SECTION 22. REPEAL OF LAWS IN CONFLICT**

6 All local laws and ordinances in conflict with any provisions of the Ordinance are hereby
7 repealed to the extent of such conflict.

8 **SECTION 23. SEVERABILITY**

9 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this Ordinance
10 is for any reason held by the Court to be unconstitutional, in operative or void, such holding shall not
11 affect the remainder of the Ordinance.

12 **SECTION 24. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

13 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
14 Ordinances of Palm Beach County, Florida. The articles and sections of this Ordinance may be
15 renumbered or relettered to accomplish such, and the word Ordinance may be changed to Section,
16 Article, or any other appropriate word.

17 **SECTION 25. EFFECTIVE DATE**

18 The provisions of this Ordinance shall become effective upon filing with the Secretary of State.

1 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida,
2 this ____ day of _____, 2019.

3
4 ATTEST:
5 SHARON R. BOCK,
6 CLERK & COMPTROLLER,

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

7
8 By: _____
9 Deputy Clerk

By: _____
Mack Bernard, Mayor

10
11
12
13 APPROVED AS TO FORM AND
14 LEGAL SUFFICIENCY

15
16 By: Anne Delgant
17 County Attorney
18
19
20
21

22 EFFECTIVE DATE: Filed with the Department of State on the _____ day of _____, 2019.
23
24
25
26
27

G:_Agenda Item Summary\12-04-18\Final Attachment A - Ordinance.amendment.docx

ORDINANCE NO. 2011- 003

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 21 OF THE PALM BEACH COUNTY CODE (ORDINANCE 2004-022) PERTAINING TO PARKS AND RECREATION; AMENDING SECTION 21-17 OF THE PALM BEACH COUNTY CODE (AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION); AMENDING SECTION 21-18 OF THE PALM BEACH COUNTY CODE (DEFINITIONS); AMENDING SECTION 21-19 OF THE PALM BEACH COUNTY CODE (REGULATION OF VEHICLES WITHIN PARKS); AMENDING SECTION 21-23 OF THE PALM BEACH COUNTY CODE (CONTROL OF NUISANCE ANIMALS); AMENDING SECTION 21-25 OF THE PALM BEACH COUNTY CODE (BOATING); AMENDING SECTION 21-27 OF THE PALM BEACH COUNTY CODE (FISHING); AMENDING SECTION 21-28 OF THE PALM BEACH COUNTY CODE (FIREARMS); AMENDING SECTION 21-31 OF THE PALM BEACH COUNTY CODE (HORSEBACK RIDING); AMENDING SECTION 21-32 OF THE PALM BEACH COUNTY CODE (ANIMALS); AMENDING SECTION 21-33 OF THE PALM BEACH COUNTY CODE (ALCOHOLIC BEVERAGES); AMENDING SECTION 21-36 OF THE PALM BEACH COUNTY CODE (COMMERCIAL ACTIVITIES); AMENDING SECTION 21-37 OF THE PALM BEACH COUNTY CODE (RESERVED PARK/FACILITY AREAS); PROVIDING FOR SAVINGS CLAUSE; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 125.01(f), Florida Statutes, grants Palm Beach County the power to provide parks, preserves, playgrounds, recreation areas and other recreational facilities for the welfare of its citizens; and

WHEREAS, it is necessary to amend Ordinance 2004-022, to conform with federal and state law and to provide for more efficient and effective operations of Palm Beach County parks and recreation areas.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1. AUTHORITY OF THE DIRECTOR OF PARKS AND RECREATION.
Section 21-17 of the Palm Beach County Code is amended as follows:

Subject to the direction of the Board of County Commissioners or the County Administrator, all powers, duties and authorities relating to the operation of the Palm Beach County

1 Parks and Recreation system for the Board of County Commissioners, are vested in the Director of
2 Parks and Recreation unless specifically vested elsewhere by the provisions of this Ordinance. In
3 the absence of the Director of Parks and Recreation ~~or the Director's designee~~, a supervisor over
4 the Director of Parks and Recreation, or an individual specifically appointed by the County
5 Administrator, may assume the powers, duties, and authority vested by this section.

6 **SECTION 2. DEFINITIONS. Section 21-18 of the Palm Beach County Code is amended as**
7 **follows:**

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

10 (A) **BEACH, WATER AREA, WATERPARKS OR POOL.** Any beach, water area,
11 waterpark or pool designated by the Board of County Commissioners as such, within any park
12 property, either on the ocean or inland, including the actual sand beach, if any, used for swimming
13 and wading.

14 (B) **DEPARTMENT.** The term "the Department" when used herein is defined as the
15 "Palm Beach County Parks and Recreation Department".

16 (C) **DIRECTOR.** The terms "Director" or "Parks Director" when used hereinafter are
17 defined as the Director of the Palm Beach County Parks and Recreation Department ~~or his~~
18 ~~designee~~.

19 (D) **ASSISTANT DIRECTOR.** The term Assistant Director when used hereinafter is
20 defined as the Assistant Director of the Palm Beach County Parks and Recreation Department.
21 This position shall serve as the Director's designee.

22 (E) **EXOTIC ANIMAL.** A non-native animal species that occurs in South Florida, as a
23 result of direct or indirect, deliberate or accidental actions by humans, ~~which may include, but not~~
24 ~~be limited to, domestic, semi-domestic or feral animals.~~

25 (F) **NATIVE ANIMAL.** An animal species that occurs naturally in or is indigenous to
26 South Florida.

27 (G) **PARK.** The terms "park", "parkways", "recreational areas", "natural areas", "marinas"
28 and "areas operated and maintained by the Department" may include, but are not limited to, parks,
29 wayside parks, parkways, playgrounds, recreation fields, open green spaces, golf courses,

1 community centers, recreation centers, amphitheaters, museums, auditoriums, ranges, lakes,
2 streams, canals, lagoons, waterways, pools, waterparks, water areas located on inland and coastal
3 areas including park property located within or adjacent to the waters of the Atlantic Intracoastal
4 Waterway, Lake Worth Lagoon, and Atlantic Ocean, and beaches therein and all grounds, water
5 areas, buildings and structures in the Palm Beach County which are under the control of or assigned
6 for upkeep, maintenance or operation by the Department.

7 (H) **PARKING AREA.** Any designated part of any park road, drive or area that is
8 designated for the standing or stationing of any vehicles.

9 (I) **PARK PROPERTY.** The term park property is defined to cover all areas, grounds,
10 buildings, locations and facilities described in the definition for "park".

11 (J) **PERMIT.** The term "permit" means a document or certificate provided by the
12 Department granting permission for use of reserved park/facility areas and which sets forth terms
13 and conditions applicable thereto.

14 (K) **PERSON.** The word "person" includes natural persons, firms, associations, joint
15 ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all
16 other groups and combinations.

17 (L) **VEHICLE.** The term "vehicle" means any wheeled conveyance (except a baby carriage
18 or wheelchair) for transportation of persons or materials whether: (1) powered or drawn by motor
19 such as an automobile, truck, motorcycle, scooter, minibike, or recreational vehicle; (2) animal-
20 drawn such as a carriage, wagon, or cart; (3) self-propelled such as a bicycle, tricycle, or
21 skateboard; or (4) towed such as a trailer of any size, kind or description. "Vehicle" does not
22 include any recreational or park transportation service operated or authorized by the Department.

23 **SECTION 3. REGULATION OF VEHICLES WITHIN PARKS. Section 21-19 of the Palm**
24 **Beach County Code is amended as follows:**

25 (A) All applicable state or local vehicle laws are enforceable within park property.

26 (B) All law enforcement officers shall direct traffic and enforce all motor vehicle, traffic
27 and parking laws of this County including the Palm Beach County Parking Ordinance, codified
28 in Chapter 19 of the County Code, as may be amended, and enforce all rules and regulations set
29 forth by the Department within park property. Park personnel, authorized and designated by the

1 Director, may direct traffic and enforce the rules and regulations set forth by the Department within
2 park property.

3 (C) The Director shall determine and all persons shall carefully observe and obey all
4 traffic signs indicating speed, direction, caution, stopping, or parking, and all other signs posted for
5 proper control and the safeguarding of life and property.

6 (D) Notwithstanding paragraph (A) above, where a public road traverses a County
7 park, said road shall be open to all through traffic permitted on any County road or highway, but
8 such through traffic shall conform to park speed and traffic regulations.

9 (E) No person driving, operating, controlling or propelling any vehicle whether
10 motorized, ~~horse~~ animal drawn, or self-propelled, shall use any other than the regularly designated
11 paved or improved park roads, pathways, trails, or driveways, except when directed to do so by a
12 law enforcement officer or department employee or by official signs or markings. No driver or
13 operator of any vehicle shall obstruct traffic or stop on any road or driveway except those places so
14 designated.

15 (F) No person shall park a vehicle on park property at any place other than in the
16 regular designated facilities provided for that particular type of vehicle, unless directed otherwise
17 by a law enforcement officer or department employee or by official signs or markings. No driver or
18 operator of any vehicle shall park on any road or driveway except those places so designated. No
19 driver or operator of any vehicle shall leave a vehicle parked on any road, driveway or park
20 property after posted closing hours.

21 (G) No truck, commercial vehicle or bus shall be driven on any restricted service road
22 or property without prior authorization from the Department for the purpose of park work, service,
23 or activities.

24 (H) No person shall ride, drive or propel any bicycle, motorcycle, all-terrain vehicle
25 (ATV), scooter, minibike or similar vehicle on any but the regular vehicle roads except for those
26 areas designated for such a specified use. The designated bicycle trails shall be used only by
27 pedestrians and bicycles and other vehicles propelled by human power. It is expressly provided
28 that no vehicles, motorcycles, scooters, minibikes, or similar vehicles shall be ridden on the
29 designated nature trails and horse trails located within the Palm Beach County parks. No person
30 shall deviate from compliance with all applicable vehicle laws and regulations governing the

1 operation of the above vehicles while on park property.

2 (I) No person shall change parts, repair, wash or grease a vehicle on any
3 park roadway, parkway, driveway, parking lot or other park property. No driver of a vehicle using
4 gasoline or any other explosive mixture as the source of power shall at any time fail to use an
5 adequate muffler or sound deadening device.

6 **SECTION 4. CONTROL OF NUISANCE ANIMALS. Section 21-23 of the Palm Beach**
7 **County Code is amended as follows:**

8 (A) The introduction, by any person, of any exotic animal or the ~~placement~~ abandonment, or
9 leaving of any animal in a county park is strictly forbidden.

10 (B) The feeding by any person, of any exotic or native animal in a county park is hereby strictly
11 forbidden unless specifically authorized by the department director.

12 (C) Exotic animals, with the exception of those authorized by the director, roaming free in
13 county parks are hereby declared a nuisance. The director has the authority to establish
14 processes and procedures to control, and remove from the park, species that are declared to
15 constitute a nuisance.

16 (D) The director is hereby authorized to declare certain native species, located in identified
17 parks, to constitute a nuisance. Native species shall be determined to be a nuisance when
18 the director deems that the number, location, behavior or other characteristic of the native
19 species constitutes a hazard to human health and/or safety or to the resources of the
20 particular park.

21 **SECTION 5. BOATING. Section 21-25 of the Palm Beach County Code is amended as**
22 **follows:**

23 (A) In addition to the provisions set forth in Chapter 327, Florida Statutes, the
24 following regulations shall apply to recreational area waters within park property:

25 (1) No person shall bring into, launch, or operate any vessel (as defined in
26 Section 327.02, Florida Statutes, as may be amended) upon any park
27 property, including designated swimming areas/bathing beaches, except at
28 such places as are or may be designated for such use or purposes by the
29 Board of County Commissioners or the Director. The following designated
30 swim areas are established as vessel-exclusion zones: a) the area of Phil

- 1 Foster Park south of the southern park boundary to an area 75' north of the
2 auxiliary channel of the Atlantic Intracoastal Waterway (ICW) and from the
3 Parks eastern boundary to the sailboat launch area; and b) the area east and
4 southeast of Peanut Island 200 feet from the mean highwater mark (100
5 feet seaward of the wave-break rocks) from the north end of the bathing
6 beach to the boat docks of the Maritime Museum. Such operation or use
7 shall be Any area designated for boating use shall be used in accordance
8 with such rules and regulations as are now or may hereafter be adopted by
9 the Department or Board of County Commissioners. Boating permits may
10 be required by the Department for specific boating activities within park
11 property.
- 12 (2) No person shall moor, anchor, or tie up to the beach, bank or any wharf,
13 dock, tree, building, rock or any object or structure on the bank in waters
14 within park property or property managed by the Department unless said
15 person does so in pursuit of recreational activities of a temporary nature or
16 unless the owner of the vessel has obtained written permission from the
17 Director, except in an emergency situation. Tropical weather conditions
18 (depression, storm, hurricane) shall not constitute an emergency situation.
- 19 (3) No person shall launch, dock or operate any vessel on the waters of any
20 park between the closing hour of the park at night and opening hour the
21 following morning, with the exception of designated twenty-four hour
22 boating facilities, nor shall any person be on, or remain on or in, any vessel
23 in the park during the said closed hours of the park, except with prior
24 approval of the Director.
- 25 (4) Boat operators shall be responsible for their own wake and liable for any
26 damage it may cause.
- 27 (5) During the staging of Department approved special events, all non-
28 participating vessels and spectators shall be prohibited from entering the
29 boat pit area and from obstructing any race, ski courses or special event.
- 30 (6) No person shall operate airboats or hovercraft within park property except

1 by approval from the Director.

2 (7) The Director shall have the authority to establish regulations and speed
3 limits of vessels that utilize the water areas located within park property
4 unless otherwise pre-empted by the state.

5 (B) The Department shall establish rules and regulations for use of the County's
6 ~~permanent~~ boat slips for dockage of vessels, boat trailer parking, managed mooring
7 fields and other marine facilities by the public. Rates for said usage shall be
8 established by the Board of County Commissioners.

9 (C) No person shall rent, hire, or operate any vessel within park property for a
10 commercial purpose unless so permitted by the Department.

11 **SECTION 6. FISHING. Section 21-27 of the Palm Beach County Code is amended as**
12 **follows:**

13 (A) The buying or selling of fish is prohibited within park property.

14 (B) Sport fishing is allowed within park property except where specifically
15 prohibited.

16 (C) The use of a troll line for fishing purposes is prohibited within park property.
17 Set cane poles are permitted if attended.

18 (D) All applicable State laws pertaining to fishing and licensing shall be enforced
19 within park property.

20 (E) The Director may establish specific fishing regulations for various water bodies
21 within park property: for reasons of public health, safety or welfare.

22 **SECTION 7. FIREARMS. Section 21-28 of the Palm Beach County Code is amended as**
23 **follows:**

24 No person shall use or possess firearms, weapons or trapping devices within any Park
25 property except ~~with prior approval from the Director or in any area designated by the~~
26 ~~Department for such purpose.~~ in accordance with Florida Statutes or upon prior approval from
27 the Director. The Director shall establish rules and regulations pertaining to ~~shooting or archery~~
28 ~~ranges- any recreational shooting facilities.~~ Shooting into park areas from beyond park
29 boundaries is prohibited.

30 **SECTION 8. HORSEBACK RIDING. Section 21-31 of the Palm Beach County Code is**

1 amended as follows:

2 No person shall engage in horseback riding within any park property except in areas
3 designated by the Director for said purpose. In areas designated for horseback riding, horses must
4 be thoroughly broken, properly restrained, and prevented from grazing and straying unattended.
5 All riders must carry proof of their horse's negative coggins test. Riders 16 years of age and
6 younger must wear an approved safety helmet ~~and be accompanied by an adult.~~

7 SECTION 9. ANIMALS. Section 21-32 of the Palm Beach County Code is amended as
8 follows:

9 (A) Except in specified areas, domesticated animals, except those considered to be a
10 nuisance, as determined by the Director, are permitted within park property. Said animals
11 must be restrained at all times at a distance of not greater than six (6) feet in length from
12 their handler.

13 (B) No person shall bring into, nor allow to enter, any park property any non-
14 domesticated animals including, but not limited to cattle, mules, swine, sheep, goats, fowl
15 or reptiles except where, in conjunction with projects sponsored by County Departments or
16 upon permit from the Director.

17 (C) Dangerous dogs, as defined in 98-22, the Palm Beach County Animal Care and
18 Control Ordinance, as it may be amended ~~Chapter 767, Florida Statutes,~~ are prohibited
19 from park property.

20 (D) In conjunction with projects and facilities administered by County Departments or
21 upon permit from the Director, animals may be allowed in designated areas of the parks at
22 specified times without restraints.

23 SECTION 10. ALCOHOLIC BEVERAGES. Section 21-33 of the Palm Beach County Code
24 is amended as follows:

25 (A) The sale, purchase, consumption, and possession of alcoholic beverages
26 as defined in Section 561.01(4), Florida Statutes, is hereby prohibited within park property except
27 as specifically provided in accordance with the provisions set forth herein.

28 (B) Notwithstanding the prohibition set forth in Paragraph (A) above, the possession
29 of alcoholic beverages in sealed original packages in any vehicle, vessel, or conveyance for
30 purposes of storing or transporting such and not for purposes of selling or consuming such within

1 park property shall not be a violation of this Ordinance.

2 (C) The Director may designate specific areas in which alcoholic beverages may be
3 possessed and/or consumed. Designated areas may include, but are not limited to, picnic areas,
4 amphitheaters, areas reserved for large groups, and facilities for food service. Kegs of beer or other
5 alcoholic malt liquor will be authorized only by permit and in conjunction with a reserved park
6 facility area.

7 (D) The Director may permit, in writing, the sale, possession, and/or consumption of
8 alcoholic beverages incidental to a special event. Said permission may not exceed four (4)
9 consecutive days.

10 (E) The Board of County Commissioners may permit the sale of alcoholic beverages
11 by private contractors who operate or manage facilities within park property including but not
12 limited to food service, performing arts, golf courses, and other facilities, as the Board of County
13 Commissioner deems appropriate.

14 (F) At its option, the County may obtain, in its name, the necessary state licensing for
15 the sale of alcoholic beverages. The County may, at its option, have such license transferred to a
16 contractor's or lessee's name, provided, however, that such licensing shall immediately revert to
17 the County upon termination, for any reason, of the contractor's agreement or lessee's lease with
18 the County. The license holder shall take all action and execute all documents necessary to effect
19 said transfer to the County.

20 (G) The permission granted under this Section shall be subject to all ordinances, laws,
21 rules and regulations applicable in the Palm Beach County, and any grantee shall be responsible for
22 compliance thereto. The permission granted may also be subject to, and granted with, specific
23 conditions as set forth by the Department, and the grantee shall be responsible for insuring
24 compliance thereto.

25 (H) No person who is intoxicated or under the influence of drugs will be permitted in
26 parks or recreation areas.

27 **SECTION 11. COMMERCIAL ACTIVITIES. Section 21-36 of the Palm Beach County**
28 **Code is amended as follows:**

29 (A) No person shall park or station on any park property any vehicle displaying a sign
30 or notice with the intent of offering said vehicle for sale or exchange.

1 (B) No person shall advertise or offer for sale any article, material, or service, nor
2 place any stand, cart, or vehicle for the transportation, sale, trade or display of any article, material
3 or service for sale or trade within any park area unless in conjunction with a permitted use of a
4 reserved park/facility area.

5 (C) No person shall distribute, display or affix any printed materials or advertisements
6 to or within any park property. Exceptions to this rule are printed materials or advertisements
7 permanently affixed on vehicles or on clothing, distribution of printed handbills or leaflets the
8 purpose of which is not solely commercial, announcements of park sponsored or sanctioned events;
9 authorized signs located entirely within concession structures, and signs or distribution of printed
10 materials in conjunction with a permitted use of reserved park/facility area.

11 (D) No person shall utilize any park property to facilitate a commercial operation, whether
12 land-based or from the water, without authorization from the Director or Assistant Director.

13 **SECTION 12. RESERVED PARK/FACILITY AREAS. Section 21-37 of the Palm Beach**
14 **County Code is amended as follows:**

15 Park/facility areas shall not be reserved except by permit issued by the Director. Said
16 reserved park/facility areas include athletic fields, group picnic shelters and associated facilities,
17 recreation and civic facilities, amphitheaters, and those areas requested for use for special events.
18 Persons permitted for use of reserved park/facility areas must comply with all applicable rules and
19 regulations as may be established by the Department. With the exception of the limited authority,
20 delegated to the Department regarding amphitheaters. Permits requested for use of reserved
21 park/facility areas for for-profit activities require approval by the Board of County Commissioners.

22 **SECTION 13. SAVINGS CLAUSE**

23 This Ordinance shall not affect or impair the processing and implementation of any permit
24 issued or any act authorized pursuant to the provisions of Ordinance No. 96-44 or 2004-022. All
25 permits and authorizations initiated under said Ordinance shall continue in full force and effect
26 until completed. Upon expiration of an existing permit or authorization, the permittee or authorized
27 person must apply for a new permit or seek authorization in accordance with the provisions as set
28 forth herein.

29 **SECTION 14. REPEAL OF LAWS IN CONFLICT**

30 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby

1 repealed to the extent of such conflict.

2 **SECTION 15. SEVERABILITY**

3 If any provision, article, section, paragraph, sentence, clause, phrase, or word of this
4 Ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such
5 holding shall not affect the remainder of this Ordinance.

6 **SECTION 16. INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

7 The provisions of this Ordinance shall become and made a part of the Code of Laws and
8 Ordinances of Palm Beach County, Florida. The Articles and Sections of this Ordinance may be
9 renumbered or relettered to accomplish such, and the word Ordinance may be changed to Section,
10 Article, or any other appropriate word.

11 **SECTION 17. EFFECTIVE DATE**

12 The provisions of this Ordinance shall become effective upon filing with the Secretary of
13 State.

14

15 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County,
16 Florida, this 15th day of February, 2011.

17

18 ATTEST:
19 SHARON R. BOCK,
20 CLERK & COMPTROLLER

21 By: [Signature]
22 Deputy Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: [Signature] Chair, Karen T. Marcus

25 APPROVED AS TO FORM AND
26 LEGAL SUFFICIENCY

27
28
29 By: [Signature]
30 County Attorney

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34 EFFECTIVE DATE: Filed with the Department of State on the 23rd day of
35 February, 2011.

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39 g/nbeale/2011ord.underlined.code.amendments
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