

## **ORDINANCE 14-21**

**AN ORDINANCE OF THE CITY OF DUNEDIN, FLORIDA, AMENDING CHAPTER 54 OF THE CODE OF ORDINANCES OF THE CITY OF DUNEDIN PERTAINING TO PARKS AND RECREATION, BY AMENDING ARTICLE I, BY ADDING SEC. 54-1 PURPOSE AND INTENT TO REGULATE THE USE OF PARKLAND WITHIN THE CITY OF DUNEDIN IN ORDER TO PROMOTE THE PUBLIC HEALTH, SAFETY, AESTHETICS AND GENERAL WELFARE OF THE PARKLAND AND THE COMMUNITY; BY ADDING SEC. 54-2 DEFINITIONS OF "PARK(S)", "MUNICIPAL PARK(S)", "CITY PARKS" AND "DEPARTMENT"; BY RENUMBERING THE FORMER SEC. 54-1 AS 54-3; BY ADDING SEC. 54-4 VEHICLES AND TRAFFIC CONTROL; BY ADDING SEC. 54-5 PROTECTION OF PROPERTY, FACILITIES, FLORA AND FAUNA; BY ADDING SEC. 54-6 ACTIVITIES WITHIN CITY PARKS; BY ADDING SEC. 54-7 CREATING PUBLIC DISTURBANCE; BY ADDING SEC. 54-8 COMMERCIAL ACTIVITIES ON ANY PUBLIC LAND BELONGING TO THE CITY; BY AMENDING ARTICLE II, BY DELETING SEC. 54-32 IN ITS ENTIRETY AND RENUMBERING SEC. 54-33 AS 54-32; BY DELETING SECS. 54-34 THROUGH 54-46; BY ADDING SEC. 54-33 GLASS CONTAINERS; BY ADDING SEC. 54-34 PERMISSION REQUIRED FOR LEAVING BOATS, VEHICLES, TRAILERS, CAMPING EQUIPMENT OR OTHER PERSONAL PROPERTY AFTER 11:00 P.M. TO 5:00 A.M.; BY RENUMBERING SEC. 54-47 AS 54-35; BY DELETING SEC. 54-48 THROUGH 54-49; BY RENUMBERING SEC. 54-50 AS 54-37; BY RENUMBERING 54-51 AS 54-38; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City Commission seeks to amend Chapter 54 of the Code of Ordinances to regulate the use of parkland within the City of Dunedin in order to promote the public health, safety, aesthetics and general welfare of the parkland and the community; and

**WHEREAS**, the Ordinance Review Committee did review and recommend to the City Commission the amendments proposed; now, therefore

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DUNEDIN, FLORIDA, IN SESSION DULY AND REGULARLY ASSEMBLED:**

**Section 1:** Chapter 54 of the Code of Ordinances of the City of Dunedin is amended in its entirety as follows:

## **CHAPTER 54, PARKS AND RECREATION**

### **ARTICLE I. IN GENERAL**

#### **Sec. 54-1. – Purpose and intent.**

This Chapter is intended to regulate the use of parkland within the City of Dunedin in order to promote the public health, safety, aesthetics and general welfare of the parkland and the community. Article I of this Chapter shall apply to all Municipal Parks as defined in Section 54-2. Article II of this Chapter shall apply only to Dunedin Causeway Beach as designated by Section 54-31.

#### **Sec. 54-2. – Definitions.**

As used in this Chapter, the following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*“Park(s)”, “Municipal Park(s)”, “City Parks”* means all City of Dunedin designated parks and any other parklands for which the City of Dunedin has jurisdiction, oversight or responsibility by virtue of interlocal agreement or otherwise, and including Dunedin Causeway Beach (as defined in Article II of this Chapter), as set forth in a parkland list to be maintained by the Parks and Recreation Director or his or her designee.

*“Department”* means the Parks and Recreation Department.

#### **Sec. 54-3. – Hours of operation of municipal parks.**

There shall be established through act of the City Commission closing hours and opening hours for all municipal parks. The City Manager shall have the authority to modify these closing and opening times for special events or circumstances.

**Sec. 54-4. – Vehicles and traffic control.**

- (a) *Speed of vehicles.* Within any park, no person shall operate a vehicle at a speed that is greater than reasonable or prudent, having due regard for the surface width and surface condition and the traffic thereon, particularly when near pedestrians, bicyclists or other public-use trails. At no time shall speed exceed the posted speed limit or 15 miles per hour if no speed limit is posted.
- (b) *Restriction to roads.* Within parks, all persons shall only operate vehicles on areas approved for vehicular use, except when permission is granted by the Department.
- (c) *Parking.* All vehicles shall be parked only in designated parking areas or in such other areas and at such other times as may be authorized by appropriate signage or by the direction of Department staff.
- (d) *Driving and parking in prohibited areas.* It shall be unlawful for any person to drive or park a vehicle in any area which is designated, posted, or signed as prohibited for vehicular traffic unless permission is granted by the Department.
- (e) *Obeying traffic control.* It shall be unlawful for any person to fail to obey all law enforcement officers or any other person authorized to direct traffic by the City Manager or his designee. This application applies wherever and whenever needed in a City park or on Dunedin Causeway Beach and on the highway, streets or roads immediately adjacent thereto, in accordance with the provisions of the regulations of this article.
- (f) *Miscellaneous motorized vehicles or motorized conveyance.* No person shall operate any motorized *vehicle or motorized conveyance* including, but not limited to motorized scooter, motorized skateboard,

go-cart, all-terrain vehicle, golf cart or electric cart vehicle in any park, except in areas designated for such use, or if permission is granted by the Department. The prohibitions herein shall not apply to an electric personal assistive mobility device to the extent authorized by state law.

**Sec. 54-5. - Protection of property, facilities, flora and fauna.**

(a) *Buildings and facilities.* No person shall engage in any of the following activities in any park without prior written authorization from the Department:

- (1) Willfully mark, deface, damage, displace, remove, or destroy any buildings, facilities, bridges, piers, tables, benches, paving, signs, or other structures, equipment or City property;
- (2) Use any City land or related facility, including, but not limited to, buildings, bridges, piers, tables, benches, or railings in a manner that precludes regular and customary usage to other patrons, unless such person has obtained the right to exclusive usage from the Department;
- (3) Construct or erect any buildings or structures of whatever kind whether permanent or temporary character, or run or string any public service utility into, upon, or across such lands;
- (4) Use tacks, nails, staples, or other items that penetrate wood or other materials on shelters, signs, trees, or other structures;
- (5) Climb on or over any buildings or facilities, fences, structures, or historic markers, or boardwalk and/or bridge railings unless expressly permitted by the Department, nor shall any person stand or sit on any structure not intended for such use.

(b) *Plant life.* All plant life living or dead, terrestrial, aquatic, and epiphytic species, within any City park is the property of the City. No person shall engage in any of the following activities in any park without prior written authorization from the Department:

- (1) Cut, carve, nail into, or otherwise damage the bark, or break off limbs or branches or mutilate in any way, or harvest the flowers or seeds of any plant or tree, except by special permit or within designated special use areas;
- (2) Dig in, disturb, or in any other way impair the natural condition of any area; nor shall any person place debris or materials of any kind on or about any tree or plant, or climb, or attach any rope, wire, wooden boards, or ladders thereto, except by special permit or within designated special use areas;
- (3) Transplant, possess, or remove any plant or plant part, except by special permit, nor shall any person introduce any plant species by willful act, negligence, or for any other reason; or
- (4) Fix, tie, chain, or hitch any animal to any tree or other plant life, sign pole, boardwalk rail, bench, fence or similar structure within any park unless otherwise designated for such use.

(c) *Wildlife.* No person shall engage in any of the following activities in any City park without prior written authorization from the Department:

- (1) Possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw any object at any wildlife; nor shall any person remove the eggs, nest, or young of any wildlife; nor shall any person collect, remove, possess, give away, sell or offer to sell, buy or offer to buy, or accept as a gift any specimen, dead or alive of any wildlife from within the boundaries of a City park, except by special permit granted by the Department or in accordance with a

valid fishing permit issued by the state. However, this prohibition shall not apply to de minimus collection or removal, such as incidental collection of shells or bait fish;

- (2) Feed or attempt to pet any wildlife;
  - (3) Remove live shells; provided, however, that dead shell collection is permitted, except at sites as designated by the Department; or
  - (4) Introduce any pet, plant or other wildlife into any City park by willful abandonment, negligence, or for any other reason.
- (d) *Sand and soil.* No person shall, without prior written authorization from the Department, on any City park:
- (1) Move or remove any property such as any beach sand, whether submerged or not, or any soil, rock, stones, down timber or other wood or materials; or
  - (2) Make any search or excavation by tool, equipment, blasting, or other means or agency.
  - (3) Nothing in this subsection shall be construed to prohibit normal playing in the sand at the Dunedin Causeway Beach or other City beaches.

**Sec. 54-6. - Activities within City parks.**

- (a) *Public use.* The Department reserves the right to limit public access to any City park when deemed necessary or when public use is deemed a disturbance to wildlife. No person shall loiter in or around any restroom, dressing room, or parking lot in any City park.
- (b) *Fires.* No person shall build or light any fire upon the ground, or on any other object in any area except in a grill, stove, or fireplace. Use

of a designated fire circle is permitted only in a supervised City event or program. No person shall use any type of gasoline, kerosene, or diesel fuel as an accelerant to start a fire in a grill, nor shall any person starting a fire leave the area without completely extinguishing the fire, nor use a grill or other device in such a manner as to burn, char, or blemish any bench, table, or other property, nor dispose of hot coals anywhere except in designated areas. No person shall dispose of any burning matches or other flammable materials except in designated receptacles.

- (c) *Camping.* Camping is strictly prohibited at all times unless specifically permitted by the Department in an organized program. When permitted, camping shall be limited to those areas specifically designated for such use. Campers shall obey all Department rules and regulations.
  
- (d) *Fishing.* Persons fishing shall obey all posted rules and regulations. Fishing is prohibited from beaches in any area where bathing and swimming are permitted. No person shall leave the area without disposing of unwanted fish and bait on piers, catwalks, or other areas where fishing is authorized.
  
- (e) *Bathing and swimming.* Swimming, bathing or wading is prohibited except in those public areas designated for such activity. Further, no person shall engage in the following activities in any City park:
  - (1) No person shall swim or bathe in any waters after dark, or in any beaches or waters closed to the public.
  
  - (2) The use of soap or other cleansers, in any swimming area or any other public waters, including but not limited to beaches, stormwater facilities, lakes or streams is prohibited.

- (3) It shall be unlawful for anyone to swim or bathe in the Gulf of Mexico or St. Joseph Sound within the corporate limits of the City, or at any City-managed aquatic facility while intoxicated.
- (f) *Picnicking.* All picnic shelters may, through the Department, be reserved by the public. The use of park property, including picnic shelters that have not been reserved, tables and benches generally follows the rule of first-come, first-served.
- (g) *Dumping or littering:* All refuse, waste and trash shall be placed in disposal containers where provided. Where no disposal containers are provided, or where the containers provided are full, all refuse shall be carried away and properly disposed outside of the City parks. No person shall dispose of trash or garbage generated outside City parks in any refuse facility within a City park, with the exception of disposing of recyclable materials in bulk collection recycling containers provided by the City.
- (h) *Audio devices.* Radios, tape players, musical instruments and all other audio devices are permitted so long as they are played at volume levels that do not disturb, annoy, injure, or endanger the comfort, health, peace, or safety of the wildlife or reasonable persons of ordinary sensibilities or unnecessarily detract from a peaceful atmosphere. Such noise shall not be heard within a City park from a location more than 100 feet from the source of the noise, unless a special permit has been issued for such use.
- (i) *Nudity.* It shall be unlawful for any person over the age of four years old to appear nude in any City park, including but not limited to, swimming or appearing nude to sunbathe, except in a restroom, locker or shower facility or when the conduct of being nude cannot constitutionally be prohibited by City ordinance because it is otherwise protected pursuant to the United States Constitution or the Florida Constitution under existing judicial decisions.

- (j) *Hunting and weapons.* No person shall carry, use or possess weapons of any description, including, but not limited to, air rifles, spring guns, bows and arrows, paint guns, BB gun, slingshots, boomerangs, or any other form of weapon harmful or dangerous to wildlife or dangerous to human safety on or in any City park except as a participant in a City-supervised program, unless authorized by law. Firearms as defined in F.S. § 790.001 are exempt from this provision and regulation is pre-empted to state law as provided in F.S. 790.33.
- (k) *Fireworks and explosives.* No person shall have in his or her possession nor shall any person discharge any fireworks or explosive within any City park. Parents or guardians will be held strictly responsible and accountable for the actions of minors with regard to the prohibitions in this and other subsections.
- (l) *Animal control.* No owner of an animal shall permit such animal to go on public property unless such animal is firmly secured by a substantial leash or other restraining device having the same effect as a leash for animals not appropriate for leash restraint, held by the owner, such leash or other restraining device not to exceed six feet in length, a retractable leash mechanism not greater than 16 feet in length, or unless such animal is enclosed in a cage sufficient to prohibit its escape therefrom.

No owner of an animal shall allow such animal to run unconfined on public property except where specific signage allows such activity and in enclosed public lands specified for such purpose.

- (m) *Domestic animals prohibited in certain areas.* No person shall have or be permitted to have any dog, cat or other domestic animal on Dunedin Causeway Beach or other designated park areas such as ball fields or playgrounds, at any time whether muzzled, leashed or not, provided that dogs, cats or other domestic animals are permitted to remain in a parked vehicle in properly designated parking areas.

- (n) *Alcoholic beverages.* Consumption of an alcoholic beverage ("consumption") or possession of an alcoholic beverage in an open container ("possession") is unlawful within or upon any park, parking area, street, street right-of-way, recreation facilities, and lands dedicated to or owned by or otherwise under the control and authority of a government or public agency ("public property") unless and until a letter of permission for such consumption or possession shall have been obtained from the City Manager or designee or from an authorized representative of the government or public agency using or controlling such property. Consumption or possession of alcoholic beverages on board vessels in the Dunedin Marina and the sale, possession of open containers and consumption of alcoholic beverages at Grant Field purchased from authorized concessionaires at Grant Field shall be an exception to this section. The City Manager or designee may give permission for the possession of open containers or the consumption of alcoholic beverages at City parks and other City property or recreation facilities or City streets or rights-of-way for special events and may condition such permission as the City Manager deems appropriate to protect the public interest.
- (o) *Miscellaneous.* No person shall engage in any activity within any City park that is dangerous to the health, safety or welfare of any person or that would cause damage to the property of other patrons or City-owned lands, including, but not limited to, hitting golf balls, racing or speeding in a dangerous manner, and diving or jumping from bridges or catwalks. Nor shall any person engage in any activity that interferes with the use and enjoyment of the park and its facilities by other patrons.

**Sec. 54-7. - Creating public disturbance.**

It shall be unlawful for any person to come upon a park and, individually or in concert with others, do any act or create any conditions which does or is

calculated to encourage, aid, abet or start a riot, public disorder or disturbance of the peace, and it shall not be necessary to prove that such person was solely responsible for such public disorder, but only that his appearance, manner, conduct, condition, status or general demeanor was the motivating factor that resulted in the disturbance of the peace. Any such person who refuses, when commanded by a law enforcement officer, to leave the area immediately shall be guilty of an offense for refusal to obey the order of command of a law enforcement officer and deemed to be a rioter or disturber of the peace.

**Sec. 54-8. - Commercial activities on any public land belonging to the City.**

- (a) The following commercial activities on any public lands belonging to the City are prohibited, except for any commercial activities performed under a franchise or license agreement granted by the City:
- (1) Retail and wholesale of food, such as ice cream trucks, beverage or any other products;
  - (2) Vendor, vending or caterer operations;
  - (3) Rental of any products or equipment, such as chairs, bicycles, umbrellas, blankets, kayaks, jet skis, sailboats, motorized and unmotorized boats;
  - (4) Recreation programs such as camps, schools, athletic teams, yoga, karate, aerobics or any other exercise classes or athletic instructions such as tennis lessons, hitting or pitching instructions.
- (b) The placement of any stand, cart, or vehicle for the transportation, sale or display of any articles of food, beverage on any public land belonging to the City is also prohibited.

- (c) Notwithstanding the prohibitions set forth in subsection (a) of this section, the City Manager or his designee may suspend the operation of this section through a special permit and set forth in writing.

**Sec. 54-9—54.30. Reserved.**

**ARTICLE II. - DUNEDIN CAUSEWAY BEACH**

**Sec. 54-31. - Designated.**

For the purpose of this article, Dunedin Causeway Beach is defined as that real property located between the western boundary of the subdivision known as Dunedin Causeway Center, as shown on the plat thereof and recorded in Plat Book 59, Pages 20-22, of the public records of the county, and the fixed span bridge on the western end of the causeway.

**Sec. 54-32. - Operation of watercraft from Dunedin Causeway Beach regulated; definitions; operation of watercraft within certain distance from mean high waterline of Dunedin Causeway Beach regulated.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

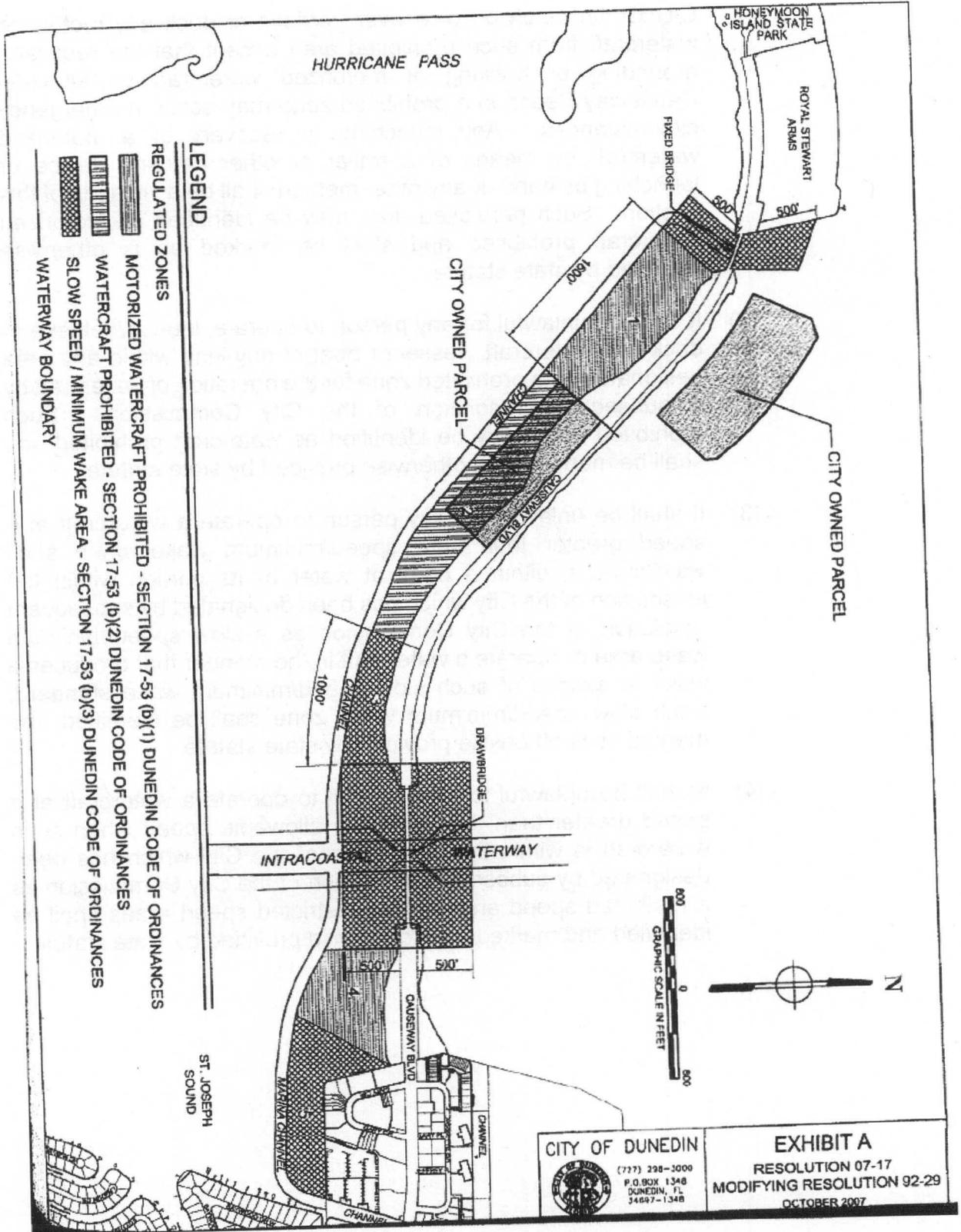
*Watercraft* means all boats, vessels, ships, yachts, rafts, barges, jet skis, personal watercraft, houseboats, windsurfers, sailboards or other floating structures; and this term shall be synonymous with the term "boat," as referenced in section 1(b), article VII, of the state constitution and includes every description of watercraft, barge and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water. A watercraft shall be considered to be motorized if it is actually or is capable of being propelled by a motor device of any kind regardless of the source of fuel or power to such motor. Whether or not the motor is in actual operation shall not affect the character of whether a watercraft is motorized or not.

- (b) *Certain uses of watercraft prohibited.*

- (1) It shall be unlawful for any person to launch or otherwise operate any motorized watercraft on or from the Dunedin Causeway Beach within any area designated as a prohibited zone for the operation of motorized watercraft by subsequent resolution of the

City Commission or to recover, retrieve or dock any motorized watercraft from such prohibited area except that the recovery, grounding or docking of motorized watercraft on Dunedin Causeway Beach in a prohibited zone may occur in emergency circumstances. Any launching or recovery of a motorized watercraft by means of a trailer or other carrying device or launching by hand or any other method shall be a violation of this section. Such prohibited area may be identified as motorized watercraft prohibited and shall be marked as is otherwise provided by state statute.

- (2) It shall be unlawful for any person to operate, launch, retrieve or dock any watercraft, vessel or boat of any kind within any area designated as a prohibited zone for the operation of watercraft by a subsequent resolution of the City Commission. Such prohibited zone may be identified as watercraft prohibited and shall be marked as is otherwise provided by state statute.
- (3) It shall be unlawful for any person to operate a watercraft at a speed greater than slow speed/minimum wake when such watercraft is within a body of water or its portion within the jurisdiction of the City which has been designated by subsequent resolution of the City Commission as a slow speed/minimum wake area or operate a watercraft in the manner that produces a wake in excess of such slow speed/minimum wake standard. Such slow speed/minimum wake zone shall be identified and marked as is otherwise provided by state statute.
- (4) It shall be unlawful for any person to operate a watercraft at a speed greater than the maximum allowable speed when such watercraft is within the jurisdiction of the City which has been designated by subsequent resolution of the City Commission as a restricted speed area. Such restricted speed areas shall be identified and marked as is otherwise provided by state statute.



**CITY OF DUNEDIN**  
 (772) 298-3000  
 P.O. BOX 1348  
 DUNEDIN, FL  
 34697-1348

**EXHIBIT A**  
 RESOLUTION 07-17  
 MODIFYING RESOLUTION 92-29  
 OCTOBER 2007

**Sec. 54-33. - Glass Containers**

It shall be unlawful for any person to carry, possess, transport or cause to be carried, possessed or transported any glass container, glassware or glass bottle off the paved road surface and onto any portion of Dunedin Causeway Beach.

**Sec. 54-34. - Permission required for leaving boats, vehicles, trailers, camping equipment or other personal property after 11:00 p.m. to 5:00 a.m.**

No person shall on Dunedin Causeway Beach leave tents, other temporary shelter for the purpose of overnight camping, motorboats, vehicles, sailboats, kayaks, canoes or other recreation equipment and trailers or other transportation devices or any other personal property of any kind or nature after 11:00 p.m. to 5:00 a.m., without first obtaining permission from the City Manager or designee in the form of a revocable license agreement for such purpose. No such revocable license shall extend for a period greater than two consecutive days in any seven-day period unless extended by special permission of the City Manager. Such revocable license may be issued on an annual basis. The City Commission may, from time to time, by motion, establish a fee to cover the administrative and enforcement costs of such license. The purpose and intent of the section shall not be defeated by multiple persons requesting a license for substantially the same item of recreational equipment or personal property.

**Sec. 54-35. - Permission required for being on beach between 11:00 p.m. and 5:00 a.m.**

Dunedin Causeway Beach shall be closed to the use of or by any person between the hours of 11:00 p.m. and 5:00 a.m. of the following day, and it shall be unlawful for any person to go upon or use or loiter, stand, idle, wander, stroll or play in or upon Dunedin Causeway Beach during or between such hours, unless there is obtained permission from the City Manager or his designee.

**Sec. 54-36. - Commercial activities on Dunedin Causeway Beach**

All commercial activities on any public lands belonging to the City, the county or the state or any of their agencies within the geographical area known as the Dunedin Causeway Beach, as is otherwise defined in Exhibit A incorporated in this section by reference, are prohibited except for any commercial activities performed under a franchise granted by the City. Such commercial activities shall include, but not be limited to, retail and wholesale of food, beverages, beach apparel or any other products, as well as any vending operations or rental of any products or equipment.

**Sec. 54-37. - Penalty for violation of article.**

Any person violating the provisions of this article, upon conviction, shall be punished by the same penalty as is therefor provided by the laws of the state, but in no case shall the penalty exceed the punishment provided in section 1-15 of this Code. This shall be a class V violation of the county court uniform fine schedule for local ordinance violations.

**Sec. 54-38. - State laws incorporated.**

There is hereby incorporated into this article the provisions of F.S. chs. 327 and 370, and violations of those state statutes are hereby declared to be violations of the provisions of this article. Upon conviction of any such state laws as incorporated into this article, the violator shall be punished in accordance with the provisions of such statutes.

**Section 2:** That this Ordinance shall be effective upon passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DUNEDIN, FLORIDA, THIS 23rd day of October, 2014.



Dave Eggers  
Mayor

ATTEST:



Denise M. Kirkpatrick  
City Clerk

READ FIRST TIME AND PASSED: September 25, 2014

READ SECOND TIME AND ADOPTED: October 23, 2014