

1 **ORDINANCE #ORD2021-XX**

2
3 **AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA,**
4 **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE**
5 **CITY OF DUNNELLON BY CREATING ARTICLE III – BLUE RUN**
6 **PARK; ESTABLISHING RULES AND REGULATIONS FOR BLUE RUN**
7 **PARK VIA ORDINANCE; ESTABLISHING FINES FOR VIOLATIONS**
8 **ESTABLISHING THE APPEAL PROCESS; PROVIDING FOR**
9 **CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
10 **CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

11 **WHEREAS,** the City Council of the City of Dunnellon recognizes the Blue Run of
12 Dunnellon Park Management Plan requires that regulations for park use be set; and

13
14 **WHEREAS,** the City Council wishes to codify certain regulations previously set by
15 resolution and expand regulation of Blue Run Park ensure compliance through a fine system;
16 and

17
18 **WHEREAS,** the Dunnellon City Council determines that it is in the best interest of
19 its residents to adopt the rules and regulations herein.

20
21 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
22 Dunnellon Code of Ordinances, ~~striethrough~~ constitutes deletions from the original, and asterisks
23 (***) indicate an omission from the existing text which is intended to remain unchanged.

24
25 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA**
26 **AS FOLLOWS:**

27 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
28 Council.

29
30 **SECTION 2:** Chapter 46 – Parks and Recreation, Article III – Blue Run Park is hereby created
31 as follows:

32
33 **Article III – Blue Run Park.**

34 46-75. - Authority to establish additional regulations.

35 The City Council authorizes the establishment of additional rules and regulations beyond those
36 specified within this Article in order to regulate the safe use and protection of Blue Run Park, its
37 users and its adjoining areas, to include, but not be limited to, special rules and regulations for
38 parking, emergency access, reasonable limitations on use of the park, and encouraging

39 nonvehicular traffic to and from the park. Such additional rules and regulations may be presented
40 to and passed by resolution of the City Council.

41
42 46-76. – Authority of Chief of Police; Authorized Representative.
43

44 At any time when a condition exists that presents a hazard or danger to the park, the park
45 property, and/or the public's health, safety or welfare, the Chief of Police or an authorized
46 representative shall have the authority to:

- 47
48 a) close the park to the public;
49
50 b) close any section or area within the park to the public; and
51
52 c) suspend any and all activities within the park.
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54
55 Sec. 46-77. - Blue Run Park User Rules and Regulations. The following rules and regulations
56 for use of Blue Run Park shall apply.

- 57 a) Regular park hours are from dawn to dusk.
58
59 b) Possession and use of alcoholic beverages is prohibited.
60
61 c) Fires are prohibited, however prescribed fires for the purpose of resource management
62 for which the appropriate permit(s) has been obtained are allowed.
63
64 d) Motorized vehicles are prohibited beyond the parking area, except for those necessary for
65 accessibility by persons with disabilities and those utilized for administrative purposes.
66
67 e) Overnight use or camping is prohibited.
68
69 f) Pets must be on a leash and controlled at all times, and owner must clean up after.
70
71 g) Removal or cutting of vegetation is prohibited except for maintenance purposes.
72
73 h) Collecting or harassing wildlife in any stage of life or form is prohibited.
74
75 i) Catch and release fishing is permitted in the interior pond. Any other fishing is
76 prohibited.
77
78 j) Possession and/or discharge of an air gun, slingshot, bow and arrow, or spear gun is
79 prohibited.
80

Commented [AH1]: Please see handout regarding ADA obligations.

- 81 k) Trash must be placed in designated containers.
82
83 l) Disposal of personal trash from off-site is prohibited.
84
85 m) Damaging or defacing any park facility or sign is prohibited.
86
87 n) Metal detectors are prohibited.
88
89 o) Engaging in violent or disruptive behavior or refusal to follow directions of official staff
90 is prohibited.
91
92 p) Use of facilities is on a first come, first served basis.
93
94 q) Cyclists and other individuals utilizing any other form of conveyance shall yield to
95 pedestrians.
96
97 r) Equestrian use is prohibited except for official use.
98
99 s) Individuals shall comply with the City’s noise regulations as codified in Sec. 42-3, in the
100 Code of Ordinances of the City of Dunnellon.
101
102 t) Use of any device or vehicle that disturbs the natural soundscape of the park is prohibited. As
103 used herein “natural soundscape” shall mean all the natural sounds that occur in Blue Run
104 Park, including the physical capacity for transmitting those natural sounds and the
105 interrelationships among park natural sounds of different frequencies and volumes.
106
107 u) Groups of more than 25 people shall contact the City’s Clerk’s office at least five days in
108 advance in order to make a reservation.
109

Commented [AH2]: Matches U.S. National Park Service definition.

110 Sec. 46-78. – River Access Ramp Rules and Regulations.

- 111
112 a) The river access ramp is for the use of kayakers, paddlers, and tubers entering or exiting
113 the river. Swimmers may use the river access ramp from 6:00 p.m. until the park closes.
114
115 b) Fishing is not allowed from the river access ramp.
116

117 Sec. 46-79. – Prohibition on Commercial Use.

- 118 a) Commercial use of the park is prohibited except by written agreement approved by the City
119 of Dunnellon and Florida Communities Trust.

- 120
121 b) For purposes of this section, 'commercial use' shall mean:
122
123 i. the sale or rental of any item, good, concession, or merchandise within the boundaries
124 of Blue Run Park; and
125
126 ii. the provision of any service performed within the boundaries of Blue Run Park
127 regardless of whether compensation for such service is paid onsite or offsite.
128
129 c) This section shall not be applicable to approved governmental uses including approved
130 governmental provision of park services.

131 Sec. 46-80. – Firearms.

132 The City of Dunnellon recognizes the preemption of firearm regulation by the State legislature.
133 The possession and discharge of firearms in the park is regulated, and shall be enforced, pursuant
134 to State law.

136 Sec. 46-81. - Penalties—Fine schedule for civil municipal code violations.

- 137 (a) Violations of the provisions of this Article, or failure to comply with any of the
138 requirements as stated, shall constitute a civil municipal code violation.
139
140 (b) Any person who violates this chapter or fails to comply with any of its provisions shall be
141 issued a civil municipal code violation.
142
143 (c) Contents of civil municipal code violation ticket. The ticket shall specifically describe the
144 following:
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146 (1) Specify the nature of the violation and cite to the applicable section of this Article;
147
148 (2) Indicate the amount of the fine;
149
150 (3) Give notice to the violator that he or she must pay the fine within 30 days or appeal
151 the ticket; and
152
153 (4) Describe the procedures to be followed in either paying such fine or electing not to
154 pay such fine and requesting a hearing before a county court official concerning the
155 violation, and the penalty for failure to comply with the directions on the ticket. A
156 sequential numbering system shall be used.
157
158 (d) Computation of time. If the last day of any time period described in this section falls on a
159 Saturday, Sunday or legal holiday, the time period shall run until the end of the next day
160 which is neither a Saturday, a Sunday nor a legal holiday.
161

Commented [AH3]: Previous alternate language:

a) The provision of services by Marion County for water-based recreation and or other passive recreation programs is exempt from this section. Such exemption shall include transportation services performed by Marion County when performed solely for such water-based recreation and passive recreation programs.

162 (e) All civil municipal code fines under this Article, will be \$50.00 per violation.

163
164 (f) This section shall not apply to Sec. 46-80.

165
166 Sec. 46-82. - Payment of fine; appeals.

167 (a) Violations of this division shall be referred to the county court for the county of the Fifth
168 Judicial Circuit.

169 (b) An individual receiving a ticket pursuant to this section shall have 30 days from the date
171 of issuance to pay the fine per the instructions on the ticket or request an appeal per
172 subsection (c) below.

173
174 (c) Appeal of civil municipal code fine ticket.

175
176 (1) Any individual who receives a civil ticket issued pursuant to the requirements of this
177 chapter may voluntarily elect to appeal the ticket and request a hearing within 30
178 days from issuance of the ticket, by requesting an appeal with the county court for
179 the county of the Fifth Judicial Circuit per the instructions on the ticket.

180
181 (2) Any person who elects to appear before a designated official to present evidence
182 waives his or her right to pay the fine cited on the ticket. The official, after a hearing,
183 shall make a determination as to whether a violation has been committed and may
184 impose a civil penalty or the fine amount designated on the ticket, plus court costs.

185
186 (d) Failure to pay fine. If the fine is not paid within 30 days from issuance, and no appeal is
187 filed, then the appearance before the county court of persons who fail to comply with the
188 provisions of this division will be compelled by the issuance of a summons by the deputy
189 clerk of the court for the county of the Fifth Judicial Circuit. A warrant shall be issued by
190 the court for the arrest of any person who fails to appear in response to such summons.

191 (e) This section shall not apply to Sec. 46-80.

192
193

194 **SECTION 3. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
195 conflict with a provision of any other ordinance of this City, the provision which establishes the
196 higher standards for the promotion and protection of the health and safety of the people shall
197 prevail.

198 **SECTION 4. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this
199 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not
200 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,

201 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or
202 unconstitutional.

203 **SECTION 5. CODIFICATION.** The provisions of this Ordinance shall be codified as and
204 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
205 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
206 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
207 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

208 **SECTION 6. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon
209 adoption at the second reading/public hearing.

210 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
211 reading on the __th day of _____, 2021.

212
213 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
214 the second and final reading and public hearing on the __th day of _____, 2021.

215
216 Ordinance Posted on the City’s website on _____, 2021. Public hearing advertised on
217 the City’s website on _____, 2021 and advertised in the Riverland News on _____
218 _____, 2021.

219 ATTEST: **CITY OF DUNNELLON**
220
221 _____
222 Amanda L. Roberts, CMC William P. White, Mayor
223 City Clerk
224
225

226
227 Approved as to Form:
228
229 _____
230 Andrew J. Hand, City Attorney