

ORDINANCE #ORD2022-09

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AN ORDINANCE OF THE CITY OF DUNNELTON, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF DUNNELTON; AMENDING ARTICLE I OF CHAPTER 46; CREATING ARTICLE III – BLUE RUN PARK; ESTABLISHING RULES AND REGULATIONS FOR BLUE RUN PARK VIA ORDINANCE; ESTABLISHING FINES FOR VIOLATIONS; ESTABLISHING THE APPEAL PROCESS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in addition to applicable federal, state, and local laws, management and use of Blue Run Park is governed by the Blue Run Park Management Plan, as may be amended from time to time; the Declaration of Restrictive Covenants contained in Exhibit “B” to that warranty deed recorded Marion County Official Records Book 05010, Pages 1645 through 1661; Interlocal Agreement 2007-14 (entered into between the City and Marion County on May 14, 2007); and that perpetual conservation easement recorded in Marion County Official Records Book 05050, Pages 1980 through 1986 (granted to Marion County by the City on or about May 18, 2008); and

WHEREAS, the City owns Blue Run Park and, per the Blue Run Park Management Plan, is the entity with the primary responsibility for management of the Park and ensuring compliance with the Plan; and

WHEREAS, the City Council of the City of Dunnellon recognizes that these documents impose certain responsibilities and obligations on the City of Dunnellon, Marion County, and Florida State Park Service as well as guarantee certain rights and privileges to these governmental stakeholders; and

WHEREAS, the concept of the Blue Run Park Management Plan is to carefully overlay the required public facilities and trails on the property to ensure the long-term protection of Blue Run Park’s natural communities while providing park visitors with access to the Park’s exceptional natural resource and interpretive experiences; and

WHEREAS, the Blue Run Park Management Plan identifies the capital improvement facilities required for visitor comfort, access, and safety as well as the park’s maintenance, operational, and regulatory needs; and

WHEREAS, the Blue Run Park Management Plan recognizes the importance of a comprehensive approach for a successful park program; and

35 **WHEREAS**, the overall goal of the Management Plan is to provide visitors with a safe
36 experience in one Florida's natural treasures, while ensuring that the park's natural resources are
37 protected for future generations; and

38 **WHEREAS**, the Management Plan recognizes Marion County as the City of Dunnellon's
39 principal partner regarding protection of Blue Run Park and the park's management; and

40 **WHEREAS**, Blue Run Park is intended to be managed for the conservation,
41 protection, and enhancement of natural resources and for public outdoor passive recreation
42 that is compatible with the conservation, protection, and enhancement of the park; and

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44 **WHEREAS**, Marion County has historically operated its K.P. Hole shuttle service as
45 contemplated by the Blue Run Park Management Plan and as authorized per the Plan's
46 requirements; and

47 **WHEREAS**, the K.P. Hole shuttle service provided by Marion County (or its contractor
48 on behalf of Marion County) is the sole transportation service authorized to operate within Blue
49 Run Park; and

50 **WHEREAS**, City desires to amend the MP to implement identification requirements
51 for designated shuttles in order to ensure that shuttles performing transportation services
52 within the Park are permitted to do so; and

53 **WHEREAS**, nature trails are meant to provide non-motorized, low-impact, low-traffic
54 pedestrian passage and recreation within the park; and

55 **WHEREAS**, individuals using the park to take part in relatively high-impact, high-traffic
56 water-based recreational purposes such as tubing, kayaking and other water-based activities
57 sometimes carry bulky water-based recreational equipment and other supplies over the nature
58 trails; and

59 **WHEREAS**, such use of nature trails increases impact to natural resources and the
60 environment as well as increases danger to park attendees due to individuals having reduced
61 awareness while carrying heavy and/or bulky objects in the presence of dangerous wildlife; and

62 **WHEREAS**, the City is committed to compliance with Americans with Disabilities
63 Act and making needed accessibility accommodations; and

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65 **WHEREAS**, the City of Dunnellon recognizes the preemption of firearm regulation by
66 the State legislature; and

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70 **WHEREAS**, the rules, regulations, and provisions of this Ordinance have been developed
71 by the City Council of Dunnellon to ensure consistency between the regulations of appropriate
72 State Agencies and the Blue Run Park Management Plan; and

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74 **WHEREAS**, City Council of the City Dunnellon finds that the rules, regulations, and
75 provisions of this Ordinance are consistent with the Blue Run Park Management Plan; and
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77 **WHEREAS**, the City Council of the City of Dunnellon determines that it is in the best
78 interest of the health, safety, and welfare of its residents to adopt the rules, regulations, and
79 provisions of this Ordinance as stated herein.
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81 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
82 Dunnellon Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks
83 (***) indicate an omission from the existing text which is intended to remain unchanged.
84

85 **NOW THEREFORE BE IT ORDAINED BY THE CITY OF DUNNELLON, FLORIDA**
86 **AS FOLLOWS:**

87 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
88 Council.
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90 **SECTION 2:** Chapter 46 – Parks and Recreation, Article III – BLUE RUN PARK is hereby
91 amended as follows:
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93 **Article III – Blue Run Park.**

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96 Sec. 46-77. - Blue Run Park User Rules and Regulations.

97 The following rules and regulations for use of Blue Run Park shall apply.

98 a) Regular park hours are from dawn to dusk.
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100 b) Possession and use of alcoholic beverages is prohibited.
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102 c) Fires are prohibited, however prescribed fires for the purpose of resource management for
103 which the appropriate permit(s) has been obtained are allowed.
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105 d) Motorized vehicles are prohibited beyond the parking area, except for those necessary for
106 accessibility by persons with disabilities and those utilized for administrative purposes.

- 107 e) Golf carts are prohibited.
- 108
- 109 f) Overnight use or camping is prohibited.
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- 111 g) Pets must be on a leash and controlled at all times, and owner must clean up after.
- 112
- 113 h) Removal or cutting of vegetation is prohibited except for maintenance purposes.
- 114
- 115 i) Collecting or harassing wildlife in any stage of life or form is prohibited.
- 116
- 117 j) Catch and release fishing is permitted in the interior pond. Any other fishing is prohibited.
- 118
- 119 k) Possession and/or discharge of an air gun, slingshot, bow and arrow, or spear gun is
- 120 prohibited.
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- 122 l) Trash must be placed in designated containers.
- 123
- 124 m) Disposal of personal trash from off-site is prohibited.
- 125
- 126 n) Damaging or defacing any park facility or sign is prohibited.
- 127
- 128 o) Metal detectors are prohibited.
- 129
- 130 p) Engaging in violent or disruptive behavior or refusal to follow directions of official staff is
- 131 prohibited.
- 132
- 133 q) Use of facilities is on a first come, first served basis.
- 134
- 135 r) Cyclists and other individuals utilizing any other form of conveyance shall yield to
- 136 pedestrians.
- 137
- 138 s) Equestrian use is prohibited except for official use.
- 139
- 140 t) Individuals shall comply with the City's noise regulations as codified in Sec. 42-3, in the
- 141 Code of Ordinances of the City of Dunnellon.
- 142
- 143 u) Use of any device or vehicle that disturbs the natural soundscape of the park is prohibited. As
- 144 used herein "natural soundscape" shall mean all the natural sounds that occur in Blue Run Park,
- 145 including the physical capacity for transmitting those natural sounds and the interrelationships
- 146 among park natural sounds of different frequencies and volumes.
- 147

148 v) Groups of more than 25 people shall contact the City’s Clerk’s office at least five days in
149 advance in order to make a reservation.

150
151 w) Bulky and/or heavy equipment equal to or greater than two (2) feet in length is prohibited
152 on nature trails and unimproved areas of the park. This restriction is applicable to
153 equipment including, but not limited to, kayaks, inflated tubes and/or inner tubes,
154 paddleboards, canoes, and coolers. This rule shall not be applicable to equipment that is
155 necessary for accessibility by persons with disabilities, equipment utilized for
156 administrative purposes, equipment which must be allowed under state or federal law,
157 and/or fishing poles.

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

- 161 a) Commercial use of the park is prohibited except as otherwise provided herein.
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163 b) For purposes of this section, ‘commercial use’ shall mean:
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165 i. the sale or rental of any item, good, concession, or merchandise within the boundaries
166 of Blue Run Park; and
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168 ii. the provision of any service performed within the boundaries of Blue Run Park
169 regardless of whether compensation for such service is paid onsite or offsite.

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171 Governmental provision of park services by Marion County for water-based recreation
172 and/or other passive recreation programs are exempt from this section so long as such
173 services are authorized both via Interlocal Agreement 2007-14 (entered into between the
174 City and Marion County on May 14, 2007) and per the requirements of the Blue Run Park
175 Management Plan. The K.P. Hole shuttle service provided by Marion County (or its
176 contractor on behalf of Marion County) is the sole transportation service authorized per the
177 requirements of the Blue Run Park Management Plan. All such designated shuttles
178 responsible for guest transportation must be identified by signage on the side of the shuttle that
179 reads “KP Hole Park Shuttle” visible from no less than 50 feet away (letters must be a minimum
180 of five (5) inches in height).

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183 **SECTION 4. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
184 conflict with a provision of any other ordinance of this City, the provision which establishes the
185 higher standards for the promotion and protection of the health and safety of the people shall
186 prevail.

187 **SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this
188 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not
189 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
190 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or
191 unconstitutional.

192 **SECTION 6. CODIFICATION.** The provisions of this Ordinance shall be codified as and
193 become and be made a part of the City of Dunnellon Code of Ordinances. The sections of this
194 Ordinance may be renumbered or re-lettered to accomplish such intention and the word
195 “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word.
196 The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

197 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective on September 12,
198 2022.

199 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
200 reading on the 11th day of July 2022.

201
202 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
203 the second and final reading and public hearing on the 12th day of September 2022.

204
205 Ordinance Posted on the City’s website on July 6, 2022. Public hearing advertised on the City’s
206 website on August 31, 2022 and advertised in the Riverland News on September 2, 2022.

207
208 ATTEST: **CITY OF DUNNELLON**
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210 _____
211 Amanda L. Odom, CMC _____
212 City Clerk William P. White, Mayor

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215 Approved as to Form:
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217 _____
218 Andrew J. Hand, City Attorney

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CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the City’s Official Website this 6th day of July 2022.

Amanda L. Odom, CMC
City Clerk