

ORDINANCE #ORD2021-02

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES OF THE CITY OF DUNNELLON; 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, and most recently amended by the City Council of the City of Dunnellon on _____, 2021 as approved by Florida Communities Trust; 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 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 Office of Greenways and Trails 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 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

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

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

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

45 **WHEREAS**, Blue Run Park is intended to be managed for the conservation,
46 protection, and enhancement of natural resources and for public outdoor passive recreation
47 that is compatible with the conservation, protection, and enhancement of the park; and
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49 **WHEREAS**, the City Council of the City of Dunnellon recognizes that the Blue Run
50 of Dunnellon Park Management Plan requires that regulations for Park use be set by
51 ordinance; and
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53 **WHEREAS**, the City Council wishes to codify certain regulations previously set by
54 resolution as well as to expand regulation of Blue Run Park in order to ensure compliance
55 through a fine system; and
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57 **WHEREAS**, the City is committed to compliance with Americans with Disabilities
58 Act and making needed accessibility accommodations; and
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60 **WHEREAS**, the City of Dunnellon recognizes the preemption of firearm regulation by
61 the State legislature; and
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63 **WHEREAS**, per the Blue Run Park Management Plan, commercial use of the park is
64 prohibited except by written agreement approved by the City of Dunnellon and Florida
65 Communities Trust; and
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67 **WHEREAS**, unapproved commercial uses within the park have caused and can cause
68 park and parking lot congestion, damage to park resources, diminished enjoyment by park
69 visitors, and frustrate the intent and requirement that the park’s operation provide passive
70 recreation only; and
71

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

75 **WHEREAS**, the Planning Commission, sitting as the local planning agency, has found
76 this ordinance to be consistent with the City’s Comprehensive Development Plan and
77 recommended approval; and
78

79 **WHEREAS**, City Council of the City Dunnellon finds that the rules, regulations, and
80 provisions of this Ordinance are consistent with the Blue Run Park Management Plan; and
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82 **WHEREAS**, the City Council of the City of Dunnellon determines that it is in the best
83 interest of the health, safety, and welfare of its residents to adopt the rules, regulations, and
84 provisions of this Ordinance as stated herein.
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86 **LEGISLATIVE UNDERSCORING:** Underlined words constitute additions to the City of
87 Dunnellon Code of Ordinances, ~~striketrough~~ constitutes deletions from the original, and asterisks
88 (***) indicate an omission from the existing text which is intended to remain unchanged.
89

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

92 **SECTION 1:** The “whereas” clauses cited herein are the legislative findings of the City
93 Council.
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95 **SECTION 2:** Chapter 46 – Parks and Recreation, Article I – IN GENERAL is hereby amended
96 as follows:
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98 **Article I – In General.**

99 46-1. – Authority of Chief of Police; Authorized Representative.
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101 At any time when a condition exists that presents a hazard or danger to a city park, park property,
102 and/or the public's health, safety or welfare, the Chief of Police or an authorized representative
103 shall have the authority to:
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- 105 a) close the park to the public;
- 106
- 107 b) close any section or area within the park to the public; and
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- 109 c) suspend any and all activities within the park.
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111 **SECTION 3:** Chapter 46 – Parks and Recreation, Article III – BLUE RUN PARK is hereby
112 created as follows:
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Article III – Blue Run Park.

46-75. - Authority to establish additional regulations.

The City Council authorizes the establishment of additional rules and regulations beyond those specified within this Article in order to regulate the safe use and protection of Blue Run Park, its users and its adjoining areas, to include, but not be limited to, special rules and regulations for parking, emergency access, reasonable limitations on use of the park, and encouraging nonvehicular traffic to and from the park. Such additional rules and regulations may be presented to and passed by resolution of the City Council.

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

Prior to taking any official action contemplated within Sec. 46-1 of this Chapter as to Blue Run Park, the Chief of Police or authorized representative should, if reasonably possible, make best efforts to coordinate such official action with both the Marion County Sheriff’s Office and Marion County Parks and Recreation Department in consideration of the safety of those individuals who may access the river at Marion County’s K.P. Hole facility.

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

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

- a) Regular park hours are from dawn to dusk.
- b) Possession and use of alcoholic beverages is prohibited.
- c) Fires are prohibited, however prescribed fires for the purpose of resource management for which the appropriate permit(s) has been obtained are allowed.
- d) Motorized vehicles are prohibited beyond the parking area, except for those necessary for accessibility by persons with disabilities and those utilized for administrative purposes.
- e) Golf carts are prohibited.
- f) Overnight use or camping is prohibited.
- g) Pets must be on a leash and controlled at all times, and owner must clean up after.
- h) Removal or cutting of vegetation is prohibited except for maintenance purposes.
- i) Collecting or harassing wildlife in any stage of life or form is prohibited.

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- 155 j) Catch and release fishing is permitted in the interior pond. Any other fishing is prohibited.
- 156
- 157 k) Possession and/or discharge of an air gun, slingshot, bow and arrow, or spear gun is
- 158 prohibited.
- 159
- 160 l) Trash must be placed in designated containers.
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- 162 m) Disposal of personal trash from off-site is prohibited.
- 163
- 164 n) Damaging or defacing any park facility or sign is prohibited.
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- 166 o) Metal detectors are prohibited.
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- 168 p) Engaging in violent or disruptive behavior or refusal to follow directions of official staff is
- 169 prohibited.
- 170
- 171 q) Use of facilities is on a first come, first served basis.
- 172
- 173 r) Cyclists and other individuals utilizing any other form of conveyance shall yield to
- 174 pedestrians.
- 175
- 176 s) Equestrian use is prohibited except for official use.
- 177
- 178 t) Individuals shall comply with the City’s noise regulations as codified in Sec. 42-3, in the
- 179 Code of Ordinances of the City of Dunnellon.
- 180
- 181 u) Use of any device or vehicle that disturbs the natural soundscape of the park is prohibited. As
- 182 used herein “natural soundscape” shall mean all the natural sounds that occur in Blue Run Park,
- 183 including the physical capacity for transmitting those natural sounds and the interrelationships
- 184 among park natural sounds of different frequencies and volumes.
- 185
- 186 v) Groups of more than 25 people shall contact the City’s Clerk’s office at least five days in
- 187 advance in order to make a reservation.
- 188

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

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191 a) Individuals utilizing the river access ramp to enter or exit the river without equipment
192 shall yield to individuals entering or exiting the river with equipment (e.g. kayakers,
193 paddlers, and tubers).

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195 b) Fishing is not allowed from the river access ramp.

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

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

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201 b) For purposes of this section, ‘commercial use’ shall mean:

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203 i. the sale or rental of any item, good, concession, or merchandise within the boundaries
204 of Blue Run Park; and

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206 ii. the provision of any service performed within the boundaries of Blue Run Park
207 regardless of whether compensation for such service is paid onsite or offsite.

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209 c) Governmental provision of park services by Marion County for water-based recreation
210 and/or other passive recreation programs are exempt from this section so long as such
211 services are authorized both via Interlocal Agreement 2007-14 (entered into between the
212 City and Marion County on May 14, 2007) and per the requirements of the Blue Run Park
213 Management Plan. The K.P. Hole shuttle service provided by Marion County (or its
214 contractor on behalf of Marion County) is the sole transportation service authorized per the
215 requirements of the Blue Run Park Management Plan.

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217 Sec. 46-80. – Firearms.

218 The City of Dunnellon recognizes the preemption of firearm regulation by the State legislature.
219 The possession and discharge of firearms in the park is regulated, and shall be enforced, pursuant
220 to State law, including s. 790.15, Florida Statutes which specifically regulates discharge of
221 firearms in public places.

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

224 (a) Violations of the provisions of this Article, or failure to comply with any of the
225 requirements as stated, shall constitute a civil municipal code violation.

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- 227 (b) Any person who violates this chapter or fails to comply with any of its provisions shall be
228 issued a civil municipal code violation.
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- 230 (c) Contents of civil municipal code violation ticket. The ticket shall specifically describe the
231 following:
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- 233 (1) Specify the nature of the violation and cite to the applicable section of this Article;
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- 235 (2) Indicate the amount of the fine;
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- 237 (3) Give notice to the violator that he or she must pay the fine within 30 days or appeal
238 the ticket; and
239
- 240 (4) Describe the procedures to be followed in either paying such fine or electing not to
241 pay such fine and requesting a hearing before a county court official concerning the
242 violation, and the penalty for failure to comply with the directions on the ticket. A
243 sequential numbering system shall be used.
244
- 245 (d) Computation of time. If the last day of any time period described in this section falls on a
246 Saturday, Sunday or legal holiday, the time period shall run until the end of the next day
247 which is neither a Saturday, a Sunday nor a legal holiday.
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- 249 (e) All civil municipal code fines under this Article, will be \$50.00 per violation.
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- 251 (f) This section shall not apply to Sec. 46-80.
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253 Sec. 46-82. - Payment of fine; appeals.

- 254 (a) Violations of this division shall be referred to the county court for the county of the Fifth
255 Judicial Circuit.
256
- 257 (b) An individual receiving a ticket pursuant to this section shall have 30 days from the date
258 of issuance to pay the fine per the instructions on the ticket or request an appeal per
259 subsection (c) below.
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- 261 (c) Appeal of civil municipal code fine ticket.
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- 263 (1) Any individual who receives a civil ticket issued pursuant to the requirements of this
264 chapter may voluntarily elect to appeal the ticket and request a hearing within 30
265 days from issuance of the ticket, by requesting an appeal with the county court for
266 the county of the Fifth Judicial Circuit per the instructions on the ticket.
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268 (2) Any person who elects to appear before a designated official to present evidence
269 waives his or her right to pay the fine cited on the ticket. The official, after a hearing,
270 shall make a determination as to whether a violation has been committed and may
271 impose a civil penalty or the fine amount designated on the ticket, plus court costs.
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273 (d) Failure to pay fine. If the fine is not paid within 30 days from issuance, and no appeal is
274 filed, then the appearance before the county court of persons who fail to comply with the
275 provisions of this division will be compelled by the issuance of a summons by the deputy
276 clerk of the court for the county of the Fifth Judicial Circuit. A warrant shall be issued by
277 the court for the arrest of any person who fails to appear in response to such summons.

278 (e) This section shall not apply to Sec. 46-80.
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280 **SECTION 4. CONFLICTS.** In any case where a provision of this Ordinance is found to be in
281 conflict with a provision of any other ordinance of this City, the provision which establishes the
282 higher standards for the promotion and protection of the health and safety of the people shall
283 prevail.

284 **SECTION 5. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this
285 Ordinance is determined to be invalid, unlawful, or unconstitutional, said determination shall not
286 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,
287 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful or
288 unconstitutional.

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

294 **SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately on April
295 1, 2022.

296 **Upon motion duly made and carried,** the foregoing Ordinance was approved upon the first
297 reading on the 13th day of December 2021.
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299 **Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon
300 the second and final reading and public hearing on the ____ day of _____, 2022.
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302 Ordinance Posted on the City’s website on December 2, 2021. Public hearing advertised on the
303 City’s website on _____, 2021 and advertised in the Riverland News on _____,
304 2021.

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ATTEST:

CITY OF DUNNELLON

309 Amanda L. Roberts, CMC
310 City Clerk

William P. White, Mayor

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315 Approved as to Form:

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318 Andrew J. Hand, City Attorney

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CERTIFICATE OF POSTING

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I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the
325 Chamber of Commerce, and Dunnellon Library, in the City of Dunnellon, Florida, and on the
326 City’s Official Website this 2nd day of December 2021.

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330 Amanda L. Odom, CMC
331 City Clerk

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