

**ORDINANCE #2003-18**

**AN ORDINANCE AMENDING THE HERNANDO COUNTY CODE OF ORDINANCES, BY CREATING GUIDELINES PERTAINING TO ACCESS OF THE PUBLIC TO ENVIRONMENTALLY SENSITIVE LANDS OWNED AND ADMINISTERED BY THE COUNTY; PROVIDING FOR A SHORT TITLE; ESTABLISHING INTENT AND PURPOSE; ESTABLISHING DEFINITIONS; ESTABLISHING VEHICLE AND TRAFFIC CONTROL; PROVIDING FOR ENVIRONMENTALLY SENSITIVE LANDS PROPERTY; ESTABLISHING ACTIVITIES WITHIN ENVIRONMENTALLY SENSITIVE LANDS; PROVIDING FOR PERMITS REQUIRED FOR ACTIVITIES THAT PROMOTE SCIENTIFIC, EDUCATIONAL, AND ARTISTIC ENDEAVORS; PROVIDING FOR PERMITS REQUIRED FOR EXHIBITS, DISPLAYS, SIGNS, AND DISTRIBUTION OF PRINTED MATERIAL; PROVIDING FOR RESIDENT PERSONNEL; PROVIDING FOR EXEMPTIONS; ESTABLISHING MISCELLANEOUS CONDITIONS AND PROVISIONS; PROVIDING FOR ENFORCEMENT OF PENALTIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Hernando County residents approved resolution 88-103 authorizing the establishment of the Environmentally Sensitive Lands Program in November 1988; and

**WHEREAS**, the Hernando County Board of County Commissioners authorizes the preparation of management plans to guide the management of the County's preserves and management areas in order to achieve the relevant goals of the County Comprehensive Plan; and

**WHEREAS**, Hernando County Board of County Commissioners has previously adopted an acquisition manual for the Environmentally Sensitive Lands Program, which is amended as needed; and

**WHEREAS**, the Environmentally Sensitive Lands Program Acquisition Manual declares that the primary objective of the Environmentally Sensitive Lands Program is the protection of unique resources; and

**WHEREAS**, the Environmentally Sensitive Lands Program Acquisition Manual declares that the second aspect for consideration of acquisition is the recreational value of a parcel; and

**WHEREAS**, the Environmentally Sensitive Lands Program Acquisition Manual declares that passive recreation would be most compatible with lands that have been acquired to preserve environmental values; and

**WHEREAS**, the Local Government Comprehensive Planning and Land Development Act requires the County Comprehensive Plan to include a recreation and open space element including

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natural reservations, and the lands included in the Environmentally Sensitive Lands Program are a primary means of meeting the level of service standards provided for therein; and

**WHEREAS**, the Hernando County Board of County Commissioners desires to codify the purposes of Environmentally Sensitive Lands by setting forth proper and improper uses of such lands and providing for enforcement in such a manner as to promote the objectives and goals of the foregoing Acquisition Manual and Comprehensive Planning requirements;

**NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA**, the following provisions are hereby enacted:

**SECTION 1: SHORT TITLE**

This article shall be known and cited as the "Environmentally Sensitive Lands Public Use Ordinance".

**SECTION 2: INTENT AND PURPOSE**

The Environmentally Sensitive Lands Program has been established primarily for the acquisition, management and preservation of the County's preserves and other open lands. It is desirous to acquire and preserve such lands for their unique natural resources, their diversity of native plant and animal species, their ecological, hydrological, and open space significance to the county, their scenic beauty and the opportunity to educate our citizens and visitors. The objective of these regulations is to permit public use of certain Environmentally Sensitive Lands consistent with their preservation and management, as set forth in the Hernando County Comprehensive Plan and various Management Plans, as same may be amended from time to time.

**SECTION 3: DEFINITIONS**

The following terms shall have the meanings as follow for the purpose of this ordinance:

**Activity:** the doing of any act or the failure to do any act by a person.

**Adverse impact:**  
actual or potential harm or injury to the animal, plant life, or terrain within the preserves or to the property acquired by the Environmentally Sensitive Lands Program caused by any activity.

**Board:** the Hernando County Board of County Commissioners.

**Carrying capacity:**

the number of individuals or vehicles permitted within an individual preserve or management area, or a designated portion thereof, at one time without having an adverse impact upon the preserve or management area.

**County:** Hernando County.

**Department:** the department designated by the County Administrator to administrate this ordinance.

**Department personnel:**

all persons employed by the Board or responsible to it and assigned to perform official duties on Environmentally Sensitive Lands.

**Environmentally Sensitive Lands:**

all preserves and management areas acquired by the Environmentally Sensitive Lands Program and managed by Hernando County staff.

**Firearm:** any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any machine gun.

**Law enforcement officer:**

any person who is elected, appointed, or employed full or part time by the state, the county, or municipality who is vested with the authority to bear arms and make arrests; and whose primary responsibility is the detection and prevention of crime, or the enforcement of the penal, criminal, traffic, or highway laws of the state or county.

**Management area:**

other Environmentally Sensitive Lands owned or managed by Hernando County, not designated as "preserve". Properties designated as "management areas" generally do not have a well defined public use component and are to be managed primarily for their ecological value. For purposes of Chapter 21, Article II, Hernando County Code of Ordinances, and for no other purpose, a "management area" shall be considered a "public place."

**Management plan:**

the management plan developed by the Hernando County staff, unique to each individual preserve or management area, as each such plan may be amended as needed.

**Ordinance:** Environmentally Sensitive Lands Public Use Ordinance, as same may be amended as needed.

**Parking area:**

any part of any preserve or management area road, or area contiguous thereto, specifically designated for the standing or stationing of any vehicle with appropriate signage.

**Person:**

any individual including minors, firm, association, joint venture, partnership, municipality, governmental agency, political subdivision, public officer, estate, trust, business trust, syndicate, fiduciary, public or private corporation, and all other groups or combinations of groups.

**Pollution:**

the presence in the air, soil, plant/animal tissue or waters of a preserve or management area of any substance, noise, contaminant, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of the air, soil, or water in a quantity or at a level that is or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or that unreasonably interferes with the enjoyment of a preserve or management area.

**Preserve:**

property owned or managed by Hernando County. Preserve designation shall be made by the Board and their management plans shall be approved for each such preserve by the Board. Properties designated as "preserves" generally have a well-defined public use, comprehensive management component and are maintained in a natural state. For purposes of Chapter 21, Article II, Hernando County Code of Ordinances, and for no other purpose, a "preserve" shall be considered a "public place."

**Vehicle:**

any passenger conveyance (except a baby carriage or invalid wheelchair) for the transportation of persons or material whether:

- (1) Powered or drawn by motor as an automobile, truck, bus, motorcycle, scooter, minibike, all terrain vehicle, or trail bike;
- (2) Animal-drawn as a carriage, wagon or cart;
- (3) Rider propelled bicycle or tricycle;
- (4) Trailer in tow of any size, or description;
- (5) Watercraft of any type, including hovercrafts or similar vehicles;
- (6) Aircraft of any type.

**Wildlife:**

animal species living, growing, or occurring in a natural, non-domesticated state.

**SECTION 4: VEHICLES AND TRAFFIC CONTROL**

- (a) Traffic control.** All persons shall comply with lawful orders, signals, and directions for traffic control purposes. All persons shall observe and comply with posted traffic control devices and signs.
- (b) Speed of vehicles in the preserve.** 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, horses, bicyclists or other public-use trails. At no time shall speed exceed the posted speed limit or 25 miles per hour if no speed limit is posted.
- (c) Restriction to roads.** No person shall operate any vehicle within an Environmentally Sensitive Land except on designated roadways and areas otherwise approved for vehicular use or unless authorized by County staff.
- (d) 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.
- (e) Bicycles.** Bicycles shall only be ridden on roads and trails designated for bicycle traffic. Where provided, bicycle racks must be used for the parking of bicycles. Bicycles shall not be chained or locked to trees, any other plant life or structures, or placed so as to obstruct pedestrian or vehicular movement.
- (f) Entering Environmentally Sensitive Lands property.** Any person entering or leaving an Environmentally Sensitive Land, whether by foot or vehicle, shall do so solely through designated entry and exit points.

## **SECTION 5: ENVIRONMENTALLY SENSITIVE LANDS PROPERTY**

### **(a) Buildings and facilities**

- (1) No person shall willfully mark, deface, damage, displace, destroy, remove, or tamper with any buildings, facilities, bridges, piers, tables, benches, railings, paving or paving materials, water lines or other utilities, permanent or temporary signs, placards, or notices, monuments, stakes, posts, gateways, locks, fencing, boundary markers, or other structures, equipment or County property.
- (2) No person shall use any Environmentally Sensitive 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.

**(b) Climbing on property** No person shall climb on or over any buildings or facilities, fences, structures, or historic ruins, unless expressly permitted under section 6.

### **(c) Plant life**

- (1) All plant life, terrestrial, aquatic, and epiphytic, within any Environmentally Sensitive Land is either the property of the county or is property managed by the county. No person shall 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. No person shall 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 attach



any rope, wire, wooden boards, or ladders thereto, except by special permit or within designated special use areas.

- (2) No person shall transplant, possess, or remove any plant or plant part from any Environmentally Sensitive Land, except by special permit. Nor shall any person introduce any plant species by willful act, negligence, or for any other reason.
- (3) No person shall tie or hitch any animal or vehicle to any tree or plant.

**(d) Wildlife**

- (1) No person shall possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw any object at any wildlife within the boundaries of any Environmentally Sensitive Land. Nor shall any person remove the eggs, nest, or young of any wildlife within the boundaries of any Environmentally Sensitive Land. 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 any Environmentally Sensitive Lands, except by special permission granted by the Department or in accordance with a valid fishing permit issued by the State of Florida. However, this prohibition shall not apply to de minimus collection or removal of shells or bait fish.
- (2) No person shall feed or attempt to pet any wildlife.
- (3) No person shall introduce any animal species into any Environmentally Sensitive Land by willful abandonment, negligence, or for any other reason.

**(e) Historic Artifacts**

- (1) No person shall willfully mark, deface, damage, displace, destroy, excavate, remove, or tamper with any historic artifact within any Environmentally Sensitive Land, nor shall any person attempt any such activity, except by special permission granted by the Department.
- (2) Use of metal detectors by any person is strictly prohibited within any Environmentally Sensitive Land, except by special permission granted by the Department.

**SECTION 6: ACTIVITIES WITHIN ENVIRONMENTALLY SENSITIVE LANDS**

**(a) Hiking**

- (1) Walking, running, jogging, and/or hiking is permitted only along trails or pathways specifically designated for such use or uses.
- (2) Visitors desiring to access certain trails designated as "wilderness trails" shall "sign-in" at the trailhead indicating the names and numbers of persons in the party and time of sign-in prior to entering the designated wilderness trail. Upon returning, all persons shall "sign-out" indicating the time of return from that wilderness trail.

**(b) Horseback riding.** Horseback riding is permitted only along trails or in areas specifically designated for such use. Horses shall be thoroughly broken, properly restrained, and ridden with due care. Horses shall not be allowed to graze or go unattended and must be on a lead at all times. Horses may only be hitched to hitching posts clearly identified for such use. No

horse-drawn carriages, carts or wagons shall be allowed or used within any Environmentally Sensitive Land.

**(c) Boating.** Boating is permitted only in trails, channels or areas specifically designated for such use. Boaters shall obey all posted restrictions and safe boating rules and regulations. Boats shall not be operated in such a manner as to molest or harm wildlife or to cause damage to aquatic life, substrate or County property.

**(d) Camping.** Camping is permitted only in areas specifically designated for such use. Campers shall obey all posted rules and regulations. Campfires are strictly prohibited at all times except in areas designated for such use. Campfires or any other open burning, even in approved areas, may be prohibited when deemed necessary by the Hernando County Fire-Rescue District Director or by restrictions mandated by state or federal agencies.

**(e) Live-Aboards.** It shall be unlawful for any person to moor a watercraft within any area designated as an Environmentally Sensitive Land for a period of time in excess of 14 days in any 30 day period.

**(f) Fishing.** Fishing, regardless of the gear used, is prohibited in those areas designated as a restricted use area. Persons fishing shall obey all state and federal laws pertaining to fishing as well as any posted rules and regulations.

**(g) Picnicking.**

(1) Picnicking is permitted only in areas specifically designated for such use. The use of picnic facilities including tables, benches, and shelters, is on a "first-come, first-served" basis.

(2) 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, refuse shall be carried away by the user of the picnic facility and properly disposed of elsewhere.

**(h) Audio devices.** Radios, tape players, electronic musical instruments and all other audio devices are permitted so long as they are played at volume levels which 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 any Environmentally Sensitive Land from a location more than 50 feet from the source of the noise, unless a special permit has been issued for such use.

**(i) Vendors.** No person, or organization other than the Department or regularly licensed concessionaires acting by and under the authority of the County shall offer for sale, rent, or trade, any article, or station or place any stand, cart, or vehicle, for the transportation, sale or display of any article of merchandise within the limits of any Environmentally Sensitive Land.

**(j) Firearms.** No person except law enforcement officers shall have within his or her possession any firearm while within any Environmentally Sensitive Land unless in accordance with a valid concealed weapons permit.

**(k) Fires.** No person shall ignite or attempt to ignite a fire, except for campfires made in approved areas and designated for such use. Smoking may be prohibited by the Department, in its discretion, when necessary for fire control purposes. No person shall dispose of any burning matches, smoking materials or other inflammable materials except in designated receptacles.

**(l) Toy firearms, fireworks, long bows, cross bows, compound bows, and explosives.** No person shall have in his or her possession nor shall any person discharge any toy firearm, air-rifle, air-gun, toy cannon, fireworks, long bow, cross bow, compound bow, explosive, sling shot, or any toy or instrument that discharges projectiles either by air, elastic, explosive substance, or any other force within any Environmentally Sensitive Land. No parent or guardian of any minor person shall allow or permit any such minor person to violate this subsection.

**(m) Alcoholic beverages.** The possession of alcoholic beverages by any person while such person is within an Environmentally Sensitive Land within the county is hereby prohibited.

**(n) Domestic animals.** No domestic animals, except seeing-eye dogs, hearing-ear dogs, nonhuman primates of the genus Cebus, or other service animals specially trained for the purpose of providing personal care services to the handicapped, and horses accessing and utilizing trails designated for horseback riding, are permitted unless explicitly permitted within the appropriate management plan or by special permit.

Where permitted, domestic animals must be confined to designated areas or trails. Owners of domestic animals shall obey all County ordinances including, but not limited to, Hernando County Code, chapter 6, as same may be amended as needed.

**(o) Trash disposal.** No person shall dispose of trash, debris, yard waste, or other such materials within Environmentally Sensitive Lands except in such containers clearly marked for public use.

**(p) Gambling.** No person shall engage in any form of gambling.

**(q) Pollution.** Any act resulting in pollution is prohibited.

## **SECTION 7: PERMITS REQUIRED FOR ACTIVITIES THAT PROMOTE SCIENTIFIC, EDUCATIONAL, AND ARTISTIC ENDEAVORS**

**(a) Permit required.** An Environmentally Sensitive Lands permit, issued by the Department, is required before a person may engage in certain activities, which are listed below. Application forms may be obtained from the Department.

**(b) Activities requiring a permit.** Activities for which permit applications must be submitted include any of the following:

- (1) Scientific research including, but not limited to, biological assays, species identification or collection, species observation, and hydrological, geological, or chemical studies.
- (2) Group nature activities either prior to or after the posted hours of operation, or which require access to restricted areas not open to the public.
- (3) All commercial photography, television broadcasting, and all private photography involving special settings or structures or the performance of any person.
- (4) All group activities involving 50 or more persons.

**(c) Standards for issuance or denial of a permit.** No permit shall be issued unless the Department finds that the proposed activity will not have an adverse impact upon the resources. The Department will evaluate the applications using the standards contained in this section. Factors to be considered in determining whether the activity will adversely impact the resources of the Environmentally Sensitive Land include:



- (1) Whether the activity is consistent with the intent of this ordinance and the management principles, objectives, and actions of the appropriate management plan.
- (2) Whether the activity will have an adverse impact upon the resources of the Environmentally Sensitive Land by:
  - a. Causing or contributing to excessive odors or noise;
  - b. Encouraging erosion;
  - c. Causing damage to plant life;
  - d. Negatively impacting wildlife;
  - e. Altering the natural hydrological characteristics of the subject area;
  - f. Inhibiting the natural storage and detention functions of floodplain;
  - g. Reducing wetland buffers or wetland filtration functions;
  - h. Decreasing recreational opportunities;
  - i. Blocking, obstructing, lessening, or otherwise interfering with the scenic or natural views;
  - j. Impacting threatened or endangered species of flora or fauna;
  - k. Otherwise adversely affecting the natural resources.

**(d) Conditions.** The permit shall contain such conditions that are reasonably consistent with the protection and maintenance of the Environmentally Sensitive Land.

**(e) Denial.** If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

**(f) Processing.** Permit applications shall be processed by the Department and notification of the granting or denial of permits shall be provided to the applicant within 30 days of submission of a complete application.

**(g) Appeal process.** An applicant may appeal the failure to timely grant or deny a permit, the denial of a permit application, or revocation of a permit by filing a notice of appeal and resubmitting all application materials to the Board of County Commissioners. Any such appeal must occur within 30 days of the date of denial by the Department. The Board shall review the application and grant or deny the application within 14 days of receipt of the appeal, or at its next scheduled regular meeting, whichever date is later. No county action on a permit application under this section is final until the Board has granted or denied a permit on appeal.

**(h) Incomplete applications.** If the Department determines that the application is incomplete or that the applicant has not properly completed the application, the Department shall notify the applicant of such fact and the time period for granting or denying the application under subsection (f) shall be stayed during the period in which the applicant properly completes the application.

**(i) Transferability.** Permits are not transferable and may only be utilized by those persons to whom the permit was issued.

**(j) No entitlement to permit.** Because of the proprietary nature of the Environmentally Sensitive Lands, this section shall not be construed to create any right or entitlement to a permit.

**(k) Revocation.** Any permit may be revoked under those conditions listed in subsection (c) of this section, which constitute grounds for denial of the permit, or for violations of the terms or conditions of the permit. Revocation of the permit shall be made in writing with the reason(s)

for the revocation set forth, except under emergency conditions, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation.

## **SECTION 8: PERMITS REQUIRED FOR EXHIBITS, DISPLAYS, SIGNS, AND DISTRIBUTION OF PRINTED MATERIAL**

**(a) Permit required.** Exhibits, displays, signs, and the distribution of printed matter are permitted within designated areas of the Environmentally Sensitive Lands provided a permit to do so has been issued by the Department, and provided further that the exhibit, display, sign, or printed matter are not primarily for commercial advertising and that no obscene literature or material, as defined by F.S. § 847.001, is displayed or distributed.

**(b) Application required.** Any application for any such permit shall set forth the name of the applicant; the name of the organization, if any; the date, time, duration, and location of the proposed exhibit, display, sign, and/or distribution of printed matter; and the number of participants.

**(c) Standards for issuance or denial of a permit.** The Department shall consider the following factors in determining whether or not to issue a permit under this section:

- (1) Whether a permit application for the same time and location has been or will be granted to a prior applicant and the activities authorized by the permit do not permit multiple occupancy of the particular area;
- (2) Whether the exhibit, display, sign, or distribution of printed matter will present a clear and present danger to the public health or safety;
- (3) Whether the number of persons engaged in the exhibit, display, sign, or distribution of printed matter exceeds the number of persons that can reasonably be accommodated in the particular location applied for, as previously established by the Department;
- (4) Whether the location applied for has been designated as available for such activities;
- (5) Whether the activity would be commercial in nature or would involve sales or commercial activities of any kind;
- (6) Whether the activity would include amplification equipment or otherwise the limitations of section 6(h);
- (7) Whether the activity would unreasonably interfere with any program activities or administrative functions of the Department;
- (8) Whether the activity will cause damage to Environmentally Sensitive Land resources;
- (9) Whether the activity will unreasonably interfere with the operation of any public use facility.

**(d) Conditions.** The permit shall contain such conditions that are reasonably consistent with the protection and maintenance of the Environmentally Sensitive Land.

**(e) Denial.** If an application for a permit is denied, the applicant shall be so informed in writing, with the reason(s) for the denial set forth.

**(f) Processing.** Permit applications shall be processed by the Department and notification of the granting or denial of permits shall be provided to the applicant within 30 days of submission of a complete application.

- (g) Appeal process.** An applicant may appeal the failure to timely grant or deny a permit, the denial of a permit application, or revocation of a permit by filing a notice of appeal and resubmitting all application materials to the Board of County Commissioners. Any such appeal must occur within 30 days of the date of denial by the Department. The Board shall review the application and grant or deny the application within 14 days of receipt of the appeal, or at its next scheduled regular meeting, whichever date is later. No county action on a permit application under this section is final until the Board has granted or denied a permit on appeal.
- (h) Incomplete applications.** If the Department determines that the application is incomplete or that the applicant has not properly completed the application, the Department shall notify the applicant of such fact and the time period for granting or denying the application under subsection (f) shall be stayed during the period in which the applicant properly completes the application.
- (i) Designation of appropriate areas.** The Department shall designate on a map, which shall be available for inspection, the location(s) within the Environmentally Sensitive Lands that are available for exhibits, displays, signs, and/or the distribution of printed matter and the number of persons that can reasonably be accommodated within such location.
- (j) Permit duration.** No permit shall be issued for a period in excess of ten consecutive days.
- (k) Conduct of permittees.** Persons engaged in the distribution of printed matter under this section shall not obstruct or impede pedestrians, riders, or vehicles, harass Environmentally Sensitive Lands visitors with physical contact or persistent demands or misrepresent the purposes or affiliations of the group engaged in the distribution.
- (l) Prohibitions.** Exhibits, displays, signs, and the distribution of printed matter without a permit or in violation of the terms or conditions of the permit is prohibited. No person shall distribute, display, or affix any printed material to or within Environmentally Sensitive Lands property unless specifically authorized under this section or by permit.
- (m) Revocation.** Any permit may be revoked under those conditions listed in subsection (c) of this section, which constitute grounds for denial of the permit, or for violations of the terms or conditions of the permit. Revocation of the permit shall be made in writing with the reason(s) for the revocation set forth, except under emergency conditions, when an immediate verbal revocation or suspension may be made, to be followed by written confirmation.
- (n) Exemptions.** The sale of items which promote Environmentally Sensitive Lands and which are intended to raise funds for those lands as authorized by the Board or the County Administrator or his or her designee, are exempted from the prohibition contained in subsection (c)(5) of this section.

## **SECTION 9: RESIDENT PERSONNEL**

It is hereby acknowledged that it is necessary for certain County personnel or Law Enforcement Personnel to have their primary residences within the Environmentally Sensitive Lands boundaries as authorized by the Board or County Administrator. Such personnel and their families and guests are exempted from the regulations and prohibitions of sections 5, 6, and 7 of this Code while said

persons are within the boundaries of the primary residence as defined by the residential lease or residential license agreement between said personnel and the county. At all times, however, resident persons and their families and guests remain subject to all applicable state laws, other county ordinances, and the terms and conditions of the lease or license while within the ESL boundaries.

## **SECTION 10: EXEMPTIONS**

Any person performing duties authorized by the Board or the County Administrator or his or her designee, while performing duties pursuant to this ordinance or other law or within their official capacity, is hereby exempted from all prohibitions and restrictions of this ordinance. However, all such persons shall comply with any and all other applicable federal, state or local laws.

## **SECTION 11: MISCELLANEOUS CONDITIONS AND PROVISIONS**

- (a) Delegation of authority.** The Department is designated the authority to implement and administer the provisions of this ordinance by the Board of County Commissioners.
- (b) Hours of operation.** The opening and closing hours of each Environmentally Sensitive Land shall be as posted by the Department. No person shall remain in the preserve after closing unless otherwise permitted by these regulations or appropriate permit.
- (c) Areas closed to the public.** Areas that are normally open to the public may be closed as needed when that area's carrying capacity has been met, for permitted research, or for resource recovery purposes. No person shall enter any area of an Environmentally Sensitive Land that has been closed. Any area declared closed will be identified as such by appropriate signage.
- (d) Actions inconsistent with the purposes of the Environmentally Sensitive Lands.** Persons who are intoxicated or who conduct themselves in a destructive, disorderly, offensive, obnoxious, obscene, or profane manner are considered to be acting in a manner inconsistent with the purposes of the Environmentally Sensitive Lands and are subject to removal and/or ejection.

## **SECTION 12: ENFORCEMENT OF PENALTIES**

- (a) All provisions of this ordinance may be enforced by all authorized Law Enforcement Officers, and all Department personnel authorized by the County Administrator or his or her designee, including but not limited to Code Enforcement.
- (b) Failure to abide by the terms of this ordinance shall constitute a violation thereof. Violations of this ordinance shall be punishable as provided in section 1-8 of the Hernando County Code of Ordinances or pursuant to § 125.69, Florida Statutes, as such provisions may be amended as needed.
- (c) In addition to the penalties provided in subsection (b) of this section, any person or persons convicted of violating any provisions of this article may be liable for civil penalties or damages to Hernando County. The County shall be authorized to enjoin violations of this article by appropriate action in a court of competent jurisdiction.

- (d) All damages and civil penalties collected as a result of any violation of this article shall be deposited in the Environmentally Sensitive Lands Trust Fund as created by the Board of County Commissioners.

**SECTION 13: APPLICABILITY**

This ordinance is applicable to all lands, preserves, and open space, acquired through the Environmentally Sensitive Lands Program, including buildings, and facilities thereon.

**SECTION 14: SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this ordinance, for any reason, is held to be unconstitutional, void or invalid, the validity of the remaining portions of said ordinance shall not be affected thereby.

**SECTION 15: INCLUSION INTO THE CODE**

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of Hernando County, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**SECTION 16: EFFECTIVE DATE**

This Ordinance shall become effective upon receipt of the official acknowledgment from the office of the Secretary of State of the State of Florida that this Ordinance has been filed with said office.

**ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION  
THIS 28th DAY OF OCTOBER, 2003.**

**BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA**

BY Mary E. Whitehouse  
MARY E. WHITEHOUSE,  
CHAIRPERSON

ATTEST Karen A. Nicolai, Deputy Clerk  
KAREN NICOLAI, CLERK



APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY  
BY [Signature] 10/31/03  
County Attorney's Office