



AGENDA REQUEST

ITEM NO. 5A

DATE: August 19, 2003

REGULAR []

PUBLIC HEARING [x]

CONSENT []

TO: BOARD OF COUNTY COMMISSIONERS

PRESENTED BY:

SUBMITTED BY(DEPT): County Attorney

Katherine Mackenzie-Smith
Assistant County Attorney

SUBJECT: Ordinance No. 03-028 - Amending Section 1-15 Article II (Parks & Recreation) of the Code of Ordinances and Compiled Laws by providing for dogs on Walton Rocks Beach under certain conditions

BACKGROUND: See attached memorandum

FUNDS AVAILABLE: N/A

RECOMMENDATION

CONCLUSION: Staff recommends that the Board of County Commissioners approve Ordinance No. 03-028 and authorize the signing of the Ordinance.

COMMISSION ACTION

CONCURRENCE:

[] APPROVED [] DENIED
[] OTHER:

Douglas M. Anderson
County Administrator

Review and Approvals

[X] County Attorney: _____ [x] Management & Budget:

[x] Purchasing: _____

[] Comm. Development: _____ [] Public Works Director

[] Solid Waste Mgr

[] Finance:(check for copy only, if applicable)_____

INTER-OFFICE MEMORANDUM
COUNTY ATTORNEY'S OFFICE
ST. LUCIE COUNTY, FLORIDA

TO: Board of County Commissioners

FROM: Katherine Mackenzie-Smith, Assistant County Attorney *KMS*

C.A. NO: 03-822

DATE: June 17, 2003

SUBJECT: Dogs on the Beach Ordinance No. 03-028 - Amending Section 1-15, Article II (Parks & Recreation) of the St. Lucie County Code of Ordinances and Compiled Laws

BACKGROUND:

Attached to this memorandum is a copy of proposed Ordinance No. 03-028, which would amend Section 1-15, Article II (Parks & Recreation) of the St. Lucie County Code of Ordinances and Compiled Laws.

On November, 9, 1982, the St. Lucie County Board of County Commissioners adopted Ordinance 82-10, which created Section 1-5-25(a) of the Code of Ordinances and Compiled Laws of St. Lucie County prohibiting dogs and other animals on the beach. On March 8, 1988, Ordinance 88-14 was adopted, which provided that Section 1-15-25(a) was amended and that horseback riding was allowed on the beach. It is appropriate to further amend Chapter 1-5-25 to permit leashed dogs on Walton rocks Beach via the two southernmost Beach Access points with certain restrictions:

- Maximum of three dogs per person
- Each dog must be fastened to a suitable leash not to exceed eight (8) feet in length and the leash must be held at all times
- Any person with a dog on the beach must carry utensils with which to remove fecal matter deposited by such dog immediately upon its deposit by the dog.
- Each such dog must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies within the past year.

Permission to advertise Ordinance 03-28 for public hearing was granted by the Board of County Commissioners on May 20, 2003.

RECOMMENDATION/CONCLUSION:

Staff recommends that the Board of County Commissioners approve Ordinance No. 03-028 and authorize the signing of the Ordinance.

KMS/cb

ORDINANCE NO. 03-28

AN ORDINANCE AMENDING SECTION 1-15, ARTICLE II OF THE CODE OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY, FLORIDA, TO PROVIDE FOR DOGS ON THE BEACH UNDER THE CONDITIONS CREATED IN SECTION 1-15-25(a)(3); PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; ADOPTION; AND CODIFICATION.

1. WHEREAS, on November 9, 1982, the St. Lucie County Board of County Commissioners adopted Ordinance No. 82-10, which created Section 1-5-25(a) of the Code of Ordinances and Compiled Laws of St. Lucie County, Florida, adopted November 9, 1982, prohibiting dogs and other animals on the beach.

2. WHEREAS, on March 8, 1988, the St. Lucie County Board of County Commissioners adopted Ordinance 88-14, which provided that Section 1-15-25(a) was amended and that horseback riding was allowed on the beach.

3. WHEREAS, it is appropriate to further amend Chapter 1-5-25 to permit leashed dogs on Walton Rocks Beach via the two southernmost Beach Access points .

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of St. Lucie County, Florida:

PART A. AMENDMENT OF SECTION 1-15, ARTICLE II (PARKS AND RECREATION) OF THE ST. LUCIE COUNTY CODE OF ORDINANCES AND COMPILED LAWS

Section 1-15, ARTICLE II (Parks and Recreation) of the Code of Ordinances and Compiled Laws of St. Lucie County, Florida, is hereby amended to read as follows:

Struck through words are deleted.

Underlined words are added.

Sec. 1-15-25. Beaches.

(a) No dog or other animal will be permitted on the beach areas regulated by this article except as set out below:

1. Authorized law enforcement dogs being used for emergency purposes and patrol.
2. Horses engaged in horseback riding activities if authorized by permit from the Director of Recreation and Parks of St. Lucie County and subject to Section 1-7.6-55(2) setting forth further restrictions during turtle nesting season (May 1 - October 31).
3. A maximum of three (3) dogs per person may be permitted on Walton Rocks Beach via the two southernmost beach access points provided the following:

(a) Each such dog must be fastened to a suitable leash of dependable strength not to exceed eight (8) feet in length and the leash must be held or controlled by that person at all times.

(b) Any person having a dog on the beach must carry with and on such person suitable materials and utensils with which to remove from the beach any fecal matter deposited by such dog and must remove any fecal matter immediately upon its deposit by the dog under the person's supervision and control.

(c) Each such dog must have affixed to its collar a current rabies inoculation tag evidencing the dog has been properly inoculated against rabies within the past year.

PART B. CONFLICTING PROVISIONS.

Special acts of the Florida legislature applicable only to unincorporated areas of St. Lucie County, and adopted prior to January 1, 1969, County ordinances and County

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Underlined words are added.

resolutions, or parts thereof, in conflict with this ordinance are hereby superseded by this ordinance to the extent of such conflict.

PART C. SEVERABILITY AND APPLICABILITY.

If any portion of this ordinance is for any reason held or declared to be unconstitutional, inoperative, or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstance, such holding shall not affect its applicability to any other person, property, or circumstance.

PART D. FILING WITH THE DEPARTMENT OF STATE.

The Clerk is hereby directed forthwith to send a certified copy of this ordinance to the Bureau of Administrative Code and Laws, Department of State, The Capitol, Tallahassee, Florida 32304.

PART E. EFFECTIVE DATE.

This ordinance shall take effect upon adoption.

PART F. ADOPTION.

After motion and second, the vote on this ordinance was as follows:

Chairman Cliff Barnes	XXX
Vice Chairman Paula A. Lewis	XXX
Commissioner Frannie Hutchinson	XXX
Commissioner John D. Bruhn	XXX
Commissioner Doug Coward	XXX

PART G. CODIFICATION.

Provisions of this ordinance shall be incorporated in the Code of Ordinances of St. Lucie County, Florida, and the word "ordinance" may be changed to "section", "article", or other appropriate word, and the sections of this ordinance may be renumbered or relettered to accomplish such intention; provided, however, that Parts B through G shall not be codified.

Struck through words are deleted.

Underlined words are added.

PASSED AND DULY ADOPTED this XX day of XX, 2003.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

Deputy Clerk

BY:

Chairman

APPROVED AS TO FORM AND
CORRECTNESS

County Attorney

G:\ATTY\ORDNANCE\2003\03-28.wpd

**0110 ORDINANCES
AND PETITIONS**

BEFORE THE BOARD
OF COUNTY
COMMISSIONERS
ST. LUCIE COUNTY,
FLORIDA

**AMENDED NOTICE OF
INTENT**

NOTICE IS HEREBY GIVEN that the Board of County Commissioners of St. Lucie County, Florida, will consider adopting County Ordinance No. 03-28 which amends Section 1-15, Article II of the St. Lucie County Code of Ordinances and Compiled Laws to provide for dogs on the beach under the conditions created in Section 1-15-25(a)(3). The Board will consider Ordinance No. 03-28 at its regular meeting on Tuesday, the 19th day of August, 2003 at 6:00 p.m., in-

stead of the previously advertised date of August 19, 2003 at 7:00 pm, or as soon thereafter as the matter may be heard in the St. Lucie County Commission Chambers at the St. Lucie County Administration Building Annex, Third Floor, 2300 Virginia Avenue, Fort Pierce, Florida. Matters affecting your personal and property rights may be heard and acted upon. All interested persons are invited to attend and be heard. Written comments received in advance of the public hearing will also be heard. Copies of the proposed ordinance may be obtained from the County Attorney's Office, St. Lucie County Administration Building Annex, 2300 Virginia Avenue, Fort Pierce, Florida, 34982. Amendments to the Ordinance may be made at the public hearing.

If any person decides to appeal any decision made with respect to any matter considered at the meetings or hearings of any board, committee, commission, agency, council or advisory group, that person will need a record of the proceedings and that, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record should include the testimony and evidence upon which the appeal is to be based. Upon the request of any party to the proceedings, individuals testifying during a hearing will be sworn in. Any party to the proceeding will be granted an opportunity to cross-examine any individual testifying during a hearing upon request. The title of this Ordinance is:

ORDINANCE NO. 03-28

AN ORDINANCE AMENDING SECTION 1-15, ARTICLE II OF THE CODE OF ORDINANCES AND COMPILED LAWS OF ST. LUCIE COUNTY, FLORIDA, TO PROVIDE FOR DOGS ON THE BEACH UNDER THE CONDITIONS CREATED IN SECTION 1-15-25(a)(3); PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY AND APPLICABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; PROVIDING FOR AN EFFECTIVE DATE; ADOPTION; AND CODIFICATION.

THIS NOTICE EXECUTED and dated this 5th day of August, 2003...

Submitted by:
Daniel S. McIntyre
County Attorney

**0110 ORDINANCES
AND PETITIONS**

BEFORE THE BOARD
OF COUNTY
COMMISSIONERS
ST. LUCIE COUNTY,
FLORIDA

**AMENDED NOTICE OF
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EN that the Board of
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Florida, will consider
adopting County Ordi-
nance No. 03-28 which
amends Section 1-15,
Article II of the St. Lucie
County Code of Ordin-
ances and Compiled
Laws to provide for
dogs on the beach un-
der the conditions creat-
ed in Section 1-15-
25(a)(3). The Board will
consider Ordinance No.
03-28 at its regular
meeting on Tuesday, the
19th day of August,
2003 at 6:00 p.m., in-

stead of the previously
advertised date of Au-
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pm, or as soon thereaf-
ter as the matter may be
heard in the St. Lucie
County Commission
Chambers at the St. Lu-
cie County Administra-
tion Building Annex,
Third Floor, 2300 Virgini-
a Avenue, Fort Pierce,
Florida. Matters affect-
ing your personal and
property rights may be
heard and acted upon.
All interested persons
are invited to attend and
be heard. Written com-
ments received in ad-
vance of the public hear-
ing will also be heard.
Copies of the proposed
ordinance may be ob-
tained from the County
Attorney's Office, St. Lu-
cie County Administra-
tion Building Annex,
2300 Virginia Avenue,
Fort Pierce, Florida,
34982. Amendments to
the Ordinance may be
made at the public hear-
ing.

If any person decides to
appeal any decision
made with respect to
any matter considered
at the meetings or hear-
ings of any board, com-
mittee, commission,
agency, council or advi-
sory group, that person
will need a record of the
proceedings and that,
for such purpose, may
need to ensure that a
verbatim record of the
proceedings is made,
which record should in-
clude the testimony and
evidence upon which
the appeal is to be
based. Upon the re-
quest of any party to the
proceedings, individuals
testifying during a hear-
ing will be sworn in.
Any party to the pro-
ceeding will be granted
an opportunity to cross-
examine any individual
testifying during a hear-
ing upon request.
The title of this Ordi-
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ORDINANCE NO. 03-28

AN ORDINANCE AMEND-
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COMPILED LAWS OF
ST. LUCIE COUNTY,
FLORIDA, TO PROVIDE
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CONDITIONS CREATED
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PROVIDING FOR FILING
WITH THE DEPART-
MENT OF STATE; PRO-
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TIVE DATE; ADOPTION;
AND CODIFICATION.

THIS NOTICE EXECUTED
and dated this 5th day of
August, 2003.

Submitted by:
Daniel S. McIntyre
County Attorney

