

LEE COUNTY ORDINANCE NO. 20-11

AN ORDINANCE AMENDING LEE COUNTY ORDINANCE NO. 18-12 KNOWN AS THE PARKS AND RECREATION ORDINANCE REGULATING SECTION 9.6: DOMESTICATED ANIMALS; PROVIDING FOR CONFLICTS OF LAW; SEVERABILITY; CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING FOR MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; AND AN EFFECTIVE DATE.

WHEREAS, the recreational use of the public parks is a treasured asset of this county which is afforded to the public at large, including residents of and visitors to the County; and

WHEREAS, it is in the interest of the public health, safety and welfare that certain controls and regulations be placed on persons using public park resources to ensure maximum enjoyment of the resources by the general public while affording protection and preservation of natural and manmade resources and reducing the risk of injury to park patrons; and

WHEREAS, the Board of County Commissioners (Board) adopted the Parks and Recreation Ordinance No. 18-12 on March 20, 2018;

WHEREAS, the Board now desires to amend Lee County Ordinance No. 18-12.

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida that:

SECTION ONE: PURPOSE

This ordinance amends Lee County Ordinance No. 18-12 as set for herein. The amendments and revisions set forth in the following Sections are hereby adopted, with the underlined identifying added text and the strike-through type being the language deleted.

SECTION TWO: AMENDING SECTION IX: RECREATIONAL REGULATIONS

9.6 DOMESTICATED ANIMALS Dogs are allowed in certain designated parks. The Parks and Recreation Department shall maintain a list of parks that are dog friendly in the Parks Operation Manual. The Director or designee may amend the list of dog friendly parks at any time and may establish size, height and/or weight restrictions of dogs within each park, and within each area designated for dogs. Such restrictions may include requiring dogs to be placed

into separate areas depending upon their size, height and/or weight. Parks permitting dogs have the following regulations:

- A. Dogs must be and remain in direct and continuous physical control on a leash that does not exceed 8 feet in length and of sufficient strength to restrain the dog.
- B. The leash must be held by the owner at all times, unless in an off lead dog park.
- C. Dogs must wear a collar with a valid county license attached.
- D. Puppies under 4 months and female dogs in heat are prohibited.
- E. Children under 12 years of age with a dog must be accompanied by an adult. Children under 5 years of age are not permitted in fenced off-lead dog parks.
- F. Dogs that have been declared dangerous by Lee County Domestic Animal Services or a Court of law or dogs whose owner was adjudicated guilty or plead no contest to threatening and menacing charges involving the dogs, are not permitted at Lee County park properties.
- G. Dogs behaving in an ~~threatening/menacing~~ aggressive manner either in an on-lead or off-lead area, will not be permitted to remain on park property. Dogs causing a nuisance by barking in on-lead areas in a manner that disturbs the peace and tranquility of the park will not be permitted to remain on park property. Any owner allowing a dog to act in ~~an threatening and menacing~~ aggressive manner ~~can~~ may be subject to citations and fines imposed by Lee County Domestic Animal Services or Lee County Parks and Recreation.
- H. Dogs must not be allowed to destroy park property, hunt or disturb wildlife.

- I. Dog owner/handler must not tie or hitch a dog to any vegetation, park structure, vehicle, or any other type of structure or object within park property.
- J. Dogs may not be left unattended or abandoned on park property.
- K. Dog owner/handler and individuals accompanying dogs at Lee County parks and facilities are required to immediately pick up and remove all dog waste and is to be disposed of in appropriate waste containers. Failure to remove dog waste creates unsanitary conditions and may result in citation and/or fine.
- L. Failure to promptly remove any dog from a Lee County park or facility after being directed by Lee County staff may result in a citation and/or fine.
- M. Dogs must not enter the following Park areas: (Service Animals are exempt from area restriction in accordance with federal and state law.)
 - 1. Playgrounds
 - 2. Ball-fields
 - 3. Tennis, pickle ball, hand ball courts, bocce ball, shuffleboard courts, archery range or other areas designated for a specific game or sport
 - 4. Dugouts
 - 5. Bleachers
 - 6. Restrooms
 - 7. Lakes, ponds or bodies of fresh water
 - 8. Swimming pools
 - 9. On Lee County Parks and Recreation Beaches other than the Causeway Islands, Turner Beach and Dog Beach and within the water at Lee County Parks and Recreation Beaches other than Dog Beach

10. Water Parks
 11. Buildings or facilities (Except pavilions)
 12. Areas of food service
 13. Skateboard and BMX areas
 14. Basketball courts
 15. Community centers and recreation centers
 16. Sensitive wildlife areas as designated by department Director or designee
 17. Any area where dogs are expressly prohibited by park sign or ordinance
- N. Dog owner/handler/agent must comply with the provisions set forth within Lee County Domestic Animal Services Animal Control Ordinance, as amended from time to time. Lee County Domestic Animal Services or Lee County Parks and Recreation may issue citation(s) for violation(s) observed or submitted by means of a sworn affidavit at any time within Lee County park properties.
- O. Failure to comply with the regulations contained in ~~within~~ this section may result in a citation, fine and/or expulsion from park property.

SECTION THREE: CONFLICTS

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted Ordinance or statute, the most restrictive requirements shall apply.

SECTION FOUR: SEVERABILITY

The provisions of this Ordinance are severable and it is the intention to confer the whole or any part of the powers herein provided for. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the

legislative intent that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

SECTION FIVE: INCLUSION IN CODE

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Lee County Code and that sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions and regardless of whether such inclusion in the Code is accomplished. Sections of this Ordinance may be renumbered or relettered and the correction of typographical errors, which do not affect the intent, may be authorized by the County Manager or his or her designee, without need of Public Hearing, by filing a corrected or recodified copy of same with the Clerk of the Circuit Court.

SECTION SIX: MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION SEVEN: EFFECTIVE DATE

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

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THE FOREGOING ordinance was offered by Commissioner Pendergrass who moved its adoption. The motion was seconded by Commissioner Manning and upon being put to a vote, the vote was as follows:

John Manning	Aye
Cecil Pendergrass	Aye
Brian Hamman	Aye
Raymond Sandelli	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6th day of October, 2020.

ATTEST:
LINDA DOGGETT
CLERK OF THE COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: *Joyce Townsend*
Deputy Clerk

By: *Brian Hamman*
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

By: *Andrea Fassek*
Office of the County Attorney

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 20-11
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Parks

SECONDARY KEYFIELD

DESCRIPTOR: Animals

OTHER KEYFIELD

DESCRIPTOR: _____

ORDINANCE DESCRIPTION: Dogs in County Parks
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 18-12 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____

KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____

KEYFIELD 3 CODE: _____



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

October 9, 2020

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attn: Joyce Townsend

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 20-11, which was filed in this office on October 9, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

RECEIVED
By Joyce Townsend at 12:28 pm, Oct 09, 2020