

ORDINANCE NO. 2010-

AN ORDINANCE OF THE COUNTY OF COLLIER PROVIDING THAT THE CODE OF LAWS AND ORDINANCES OF COLLIER COUNTY CHAPTER 98 BE AMENDED BY ADDING ARTICLE IV. RELATING TO COLLIER COUNTY DESIGNATED AND MANAGED PRESERVE LANDS; PROVIDING INTENT AND PURPOSE; DEFINITIONS; VEHICLE AND TRAFFIC CONTROL; CONDUCT ON PRESERVE LANDS; ACTIVITIES WITHIN PRESERVE LANDS; PERMITS REQUIRED FOR ACTIVITIES WITHIN PRESERVE BOUNDARIES; ADDING A SCHEDULE B FEE SCHEDULE FOR PRESERVE LANDS; HOURS OF OPERATION; ENFORCEMENT AND PENALTIES; TERRITORY EMBRACED; CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS the recreational use of Preserve Lands is a treasured asset of Collier County which is afforded to the public at large, including residents of and visitors to Collier County; and

WHEREAS, preservation of the representative objects or conditions is all important and resource considerations must be given priority; and

WHEREAS, uses permitted are usually of a passive nature, related to the aesthetic, educational, and scientific enjoyment of the objects and conditions maintained in the Preserve and adjoining waters. Other uses, in limited amounts, are permitted if compatible.

WHEREAS, The Board of County Commissioner has acquired lands designated as preserves under the Conservation Collier Program for the purpose of protection, restoration, and management of environmentally sensitive lands in Collier County for the benefit of present and future generations and has acquired preserved lands through the Parks and Recreation and Transportation Departments; and

WHEREAS the Collier County Board of County Commissioners authorizes the preparation of management plans to guide the management of the County's Preserve Lands; and

WHEREAS the Collier County Land Development Code requires the County to adopt a comprehensive plan that addresses future land use, coastal management, conservation, and open space elements, and manages the County's lands and waterways; and

WHEREAS the Collier County Board of County Commissioners will provide sound stewardship to Preserve Lands and opportunities for the appreciation of their intrinsic value, for passive recreation, environmental education and scientific research;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, THAT:

ARTICLE IV. PRESERVE LANDS

Sec. 98-61. Intent and purpose.

It is the intent and purpose of this article to manage recreational uses of and protect the county's preserve lands and to protect the health, welfare, and safety of persons using the county's preserve lands, and the general welfare of residents of surrounding areas and of the county. It is to be liberally construed to affect that result.

Sec. 98-62. Definitions.

When used herein, the following definitions shall apply:

- (a) *Activity* means the doing of any act or the failure to do any act by a person.
- (b) *Adverse impact* means the actual or potential harm or injury to any property, wildlife, or plant life or other natural resource with the preserves managed by Collier County.
- (c) *Beach* the soft sand portion of land lying seaward of a seawall or line of permanent vegetation and 300' seaward of the mean high water line.
- (d) *Beach access area* means any easement, street, alley, right-of-way or any other property deeded or dedicated to the public for the purpose of allowing the public access to beaches across public or private property.
- (e) *Board* means the Collier County Board of County Commissioners.
- (f) *Carrying capacity* means the number of individuals or vehicles permitted within an individual preserve or a designated portion thereof, at any given time without having an adverse impact upon the preserve or designated portion thereof.
- (g) *Collier County or County* shall mean Collier County, Florida.
- (h) *Commercial vehicle and/or vessel* means any passengered conveyance (except a baby carriage or wheelchair) for commercial purposes, operating for profit, with paying customers.
- (i) *Cultural/historic resources* means any archaeological and/or historic site, feature or artifact found within preserve boundaries.
- (j) *Firearm* means 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; any destructive device (do we have a county ordinance with definition); or machine gun.
- (k) *Law Enforcement Officer* means 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.
- (l) *Livestock* means all domesticated animals of equine, bovine, or swine class, including sheep, goats and other grazing animals.
- (m) *Management Plan* means the Board-approved management plan developed by the county, unique to each individual preserve, as each plan may be amended from time to time.
- (n) *Natural resource-based recreation* shall mean all forms of uses which are consistent with the goals of this program, and are compatible with the specific parcel. Such uses shall include, but not be limited to, scientific research, environmental education, quiet

Comment [IT1]: We need to look at the State law regarding carrying permitted firearms onto County lands.

enjoyment, hiking, nature photography, bird-watching, kayaking, canoeing, swimming, hunting and fishing.

Comment [IT2]: From the Conservation Collier Ordinance- definitions

- (o) *Parking area* means any part of any preserve area road, or area contiguous thereto, specifically designated for the standing or stationing of any vehicle with appropriate signage.

Passive Recreation: Activities characterized by a natural resource emphasis and non-motorized activities. These activities are deemed to have minimal negative impacts on natural resources; or are consistent with preservation, enhancement, restoration and maintenance goals for the purpose of habitat conservation. Examples of passive recreation include, but are not limited to, bird watching and nature study, swimming, picnicking, hiking, fishing and hunting, where appropriate.

Comment [IT3]: From the LDC - Definitions

- (p) *Pet* means any domesticated animal typically kept for companionship, protection, transportation or amusement, including wild animals licensed by state law for personal possession. Pet also includes domesticated species found in a feral, wild, or abandoned state. However, the term does not include certified service animals, specially trained to provide personal care services to the disabled.
- (q) *Pollution* means the presence in the air, soil, or waters of any substance, noise, contaminant, or anthropogenic 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, biological diversity, or property, or that unreasonably interferes with the enjoyment of the preserve.
- (r) *Preserve* in Collier County is hereby defined as an area set aside essentially to maintain objects or conditions existing therein. A Collier County Preserve is an area designated to perpetuate certain exceptional objects or conditions that provide a type of recreational experience, which would not be possible otherwise. A Preserve, therefore, is designed, managed, and restored (if necessary) to save representative samples, of various sizes, of natural conditions characteristic of Collier County, Florida.
- (s) *Vehicle* means any passengered conveyance (except a baby carriage or wheelchair) for the transportation of persons or material whether:
- a. Powered or drawn by motor as an automobile, truck, bus, motorcycle, Segway®, scooter, mini-bike, all terrain vehicle, or trail bike;
 - b. Animal-drawn as a carriage, wagon, or cart;
 - c. Rider propelled bicycle or tricycle;
 - d. Trailer in tow of any size, or description;
 - e. Watercraft of any type, including pontoon boats, hovercrafts, jet skis, wave runners, sea sleds, dolphin boats or other such product name;
 - f. Aircraft of any type.
- (t) *Wildlife* means any species living, growing, or occurring in a natural, non-domesticated state, including but not limited to animals; live shells, sand-dollars and sea stars.

Section 98-63. Vehicles and traffic control.

- (a) *Bicycles, unicycles, skateboards, roller blades, and roller skates* shall only be ridden on roads and trails designated for this activity. Where provided, bicycle racks must be used

for the parking of bicycles and unicycles. Bicycles or unicycles shall not be chained or locked to trees, any other plant life or structures, or placed so as to obstruct pedestrian or vehicular movement.

- (b) *Entering preserve lands.* Any person entering or leaving preserve lands, whether by foot or vehicle, shall do so solely through designated entry and exit points.
- (c) *Parking.* All vehicles shall be parked only in designated parking areas or in such areas and at such other times as may be authorized by appropriate signage. No unauthorized vehicle shall park in a preserve overnight.
- (d) *Restriction to roads.* No person shall operate any vehicle within a preserve except on designated roadways and areas otherwise approved for vehicular use.
- (e) *Speed of vehicles.* Within any preserve lands no person shall operate a vehicle at a speed that is greater than posted. At no time shall speed exceed the posted speed limit or 25 miles per hour if no speed limit is posted.
- (f) *Traffic control.* All persons shall observe and comply with posted traffic control devices and signs.

Section 98.64. Conduct on preserve lands.

- (a) *Buildings and facilities.*
 - a. All forms of recreation on preserve lands, unless otherwise specifically permitted, shall be natural resource based, passive recreation and consistent with potential recreation activities identified in an approved Management Plan.
 - b. No person shall willfully mark, deface, damage, displace, destroy, remove, or tamper with any buildings, facilities, bridges, piers, boardwalks, 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.
 - c. No person shall use any preserve land or related facility, including but not limited to buildings, bridges, boardwalks, 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 county.
 - d. No person shall fix, tie, chain, or hitch any hammock, line, sports net, bike or banner to any sign pole, boardwalk rail, bench, fence or similar structure within any preserve land unless otherwise designated for such use.
- (b) *Climbing on property.* No person shall climb on or over any buildings or facilities, fences, gates, structures, historic ruins, boardwalks, dunes, or bridge railings.
- (c) *Cultural and/or historic resources.*
 - a. No person shall willfully mark, deface damage, displace, destroy, excavate, remove, or tamper with any cultural or historic artifact with the preserve boundaries, nor shall any person attempt any such activity, except by special permit granted by the county.
- (d) *Plant life.*
 - a. All plant life living or dead terrestrial, aquatic, and epiphytic species, within any preserve lands 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 flowers or seeds of any plant or tree, except by special permit. 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 climb, or attach any rope, wire, wooden boards, or ladders thereto, except by special permit.

- b. No person shall transplant, possess, or remove any plant or plant part from any preserve land, except by special permit, nor shall any person introduce any plant species by willful act, negligence, or for any other reason.
- c. No person shall tie or hitch any animal, vehicle, or bicycle to any tree or other plant life.

(e) *Wildlife.*

- a. No person shall possess, molest, harm, frighten, kill, trap, hunt, chase, capture, shoot, or throw any object at any wildlife, nest, or burrow within the boundaries of any county preserve; nor shall any person remove the eggs, nest, or young of any wildlife with preserve boundaries; 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 form with preserve boundaries, except by special permit granted by the county or in accordance with a valid fishing permit issued by the state. However, this prohibition shall not apply to the minimal collection or removal, such as incidental collection of shells or bait fish.
- b. No person shall feed or attempt to pet any wildlife.
- c. No person shall introduce any pet, plant or other wildlife into any preserve lands by willful abandonment, negligence, or for any other reason.

98.65. Activities within preserve lands.

- (a) *Alcoholic beverages.* Possession or consumption of alcoholic beverages within any county preserve boundaries is prohibited. This prohibition may be waived within the educational centers if:
 - a. The County has approved a contract or issued a permit which by its terms allows the sale and/or consumption of alcoholic beverages in a specified area or place within the preserve boundaries.
 - b. The Board by resolution has temporarily waived the prohibition of subsection (1.) above for a special event or activity in a specified area or place within the preserve boundaries.
- (b) *Audio devices.* Radios, tape players, electronic musical instruments, and all other audio devices are permitted so long as they are played at volume levels that 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 and enjoyment of the preserve. Such noise shall not be heard within any preserve land from a location more than 50 feet from the source of the noise, unless a special permit has been issued for such use.

- (c) *Boating.* Boating is permitted only in trails, channels, estuaries, or areas specifically designated for such use. Boater shall obey all posted restrictions and safe boating rules and regulations. Boats shall not be operated in such manner as to molest or harm wildlife or to cause damage to aquatic life, including sea grass beds, substrate, or county property.
- (d) *Campfires.* Campfires are strictly prohibited at all times, except in areas designated for such use and a camping permit has been obtained. Camping permits must be presented upon request by County staff or law enforcement officers. Campfires or any other open burning, even in approved areas, may be prohibited when deemed necessary by the county or by restrictions mandated by state or federal agencies.
- (e) *Camping.*
 - a. Camping is strictly prohibited at all times unless specifically permitted by the county as set forth below. When permitted, camping shall be limited to those areas specifically designated for such use. Campers shall obey all rules and regulations.
 - b. Campers must obtain a permit and copies of the rules and regulations from the county prior to camping. Campers must have a valid permit and a valid picture identification card while camping. It shall be unlawful for any person to camp on any preserve land for a period of time in excess of (14) days in a thirty (30) day period.
 - c. All waste shall be placed in disposal containers where provided. Where no disposal containers are provided, or where the containers provided are full, all waste shall be carried away by the user of the camping area and properly disposed of outside the preserve boundaries.
 - d. Tents shall be stand-alone type and may not be attached to trees or any other vegetation or structure with any wire, rope, extension brace, support, fastener, or any other device.

(f) *Commercial activities within preserve boundaries.* No person or organization other than county licensed vendors or non-profits invited to participate in a County event and selling items for fundraising purposes shall conduct business within preserve boundaries. All preserve visitors must enter and exit the preserve at designated entrance and exit points. Groups exceeding 30 persons require insurance and advance authorization.

(g) *Firearms.* No person except law enforcement officers shall have within his or her possession any firearm while within any preserve boundary unless in accordance with a valid concealed weapons permit, except as allowed under state permit and during planned hunts under the Pepper Ranch Preserve Quality Wildlife Management Hunt Program. However, the provisions of **need the statute here** shall remain in full force and effect at all times within any preserve boundary.

Comment [IT4]: Not sure what statute is being referenced.

(h) *Fires.* No person shall ignite or attempt to ignite a fire, except for campfires made in approved areas and designated for such use and with a valid camping permit. No person shall dispose of any burning matches, smoking materials or other flammable materials except in designated receptacles.

- (i) *Fishing.* Fishing is prohibited except where permitted in those public areas designated for such activity. Persons fishing shall obey all state and federal laws pertaining to fishing as well as any posted rules and regulations. It is the responsibility of those fishing to know those federal and state guidelines.
 - a. It shall be unlawful for any person while in preserve boundaries to intentionally fish for sharks or to fish by those methods commonly known as “chumming” or “blood-baiting.”
- (j) *Hiking.* Walking, running, jogging, and/or hiking is permitted only along trails or pathways or areas specifically designated for such use or uses and during posted hours.
- (k) *Horseback riding.* Pursuant to Collier County Ordinance 76-13, F.S. 585.15-19 and 585.671, and Florida State Department of Agriculture and Consumer Services, Chapter 5C-18, all horses entering Collier County preserves must be accompanied by the original or a laboratory certified copy or a notarized copy of a VS Form 10-11 (Apr 90), known as a “Coggins card” as evidence of a negative equine infectious anemia test within the previous 12 months. A “Coggins Card” must be presented upon demand by County staff or law enforcement officer. Horse owners that cannot present such evidence may be asked to leave preserve property. 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. Horse 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 with preserve lands.
- (l) *Hunting.* The Pepper Ranch Preserve, through its Quality Wildlife Management Hunt Program permits hunting within its boundaries during planned hunts scheduled and managed by the county. Planned hunts may be scheduled under the auspices of the Florida Fish and Wildlife Conservation Commission for the Caracara Prairie preserve. No hunting is permitted in any other county managed preserve.
- (m) *Interference with County’s authorized lessee or his or her property.* No visitor to or contractor working on County preserve lands shall touch or interfere with any livestock or property belonging to an authorized lessee or interfere with the use of County property by an authorized lessee.
- (n) *Miscellaneous.* No person shall engage in any activity within preserve boundaries that is dangerous to the health, safety, or welfare of any person or that would cause damage to the property of other patrons or preserve property. Nor shall any person engage in any activity with preserve boundaries that interferes with the use and enjoyment of the preserve lands and its facilities by other patrons. Requests to conduct activities not identified within this ordinance may be submitted to the County Manager or his designee and will be determined with primary consideration of conservation management goals on a case-by-case basis and potentially allowed through a permit process. Some activities may require payment of a rental fee as well.
- (o) *Nudity.* It shall be unlawful for any person (some ordinances put in an age limit i.e. over the age of 4) to appear nude in any preserve land, including but not limited to, appearing nude to sunbathe, subject to the exemptions listed below:
 - a. In a restroom or shower facility;

- b. In a privately owned, fully-enclosed, temporary dwelling used for camping at camp sites;
 - c. When the conduct of being nude cannot constitutionally be prohibited by county ordinance because it is otherwise protected pursuant to the United States Constitution or the Florida Constitution under existing judicial decisions;
 - d. When a mother is breast-feeding her baby, and then only the extent reasonably necessary to allow breast-feeding.
- (p) **Pets.** No pets, except horses accessing and utilizing the trails designated for horseback riding, are permitted. Where pets are permitted, such permission will be posted on preserve signage and pets shall be confined to designated areas of the trails and on a hand-held lease at all times. Those persons in possession or control of domestic animals on county preserve lands including authorized County lessees, shall obey all county ordinances and state statutes and regulations regarding animal control, care, feeding and cruelty, except as specifically provided in this ordinance, including, but not limited to, **Collier County Ordinance 2008-51, as amended, pertaining to animal control and F.S. 828.13 – 26, pertaining to animal cruelty** *Picnicking.*
- a. 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 unless users have reserved and paid for use of picnic area.
 - b. 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, all refuse shall be carried away by the user of the picnic facility and properly disposed of outside of the preserve boundary.
- (q) **Public use.** The county reserves the right to limit public access to any preserve lands or portion thereof when deemed necessary to accommodate land management operations such as prescribed fire and restoration projects or when public use is deemed a disturbance to any preserve land or wildlife.
- (r) **Smoking.** Smoking is prohibited on trails for safety, litter, and wildfire control purposes. Smoking may be prohibited by the county, in its sole 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.
- (s) **Swimming.** Swimming, bathing, or wading is prohibited except in those public areas designated for such activity.
- (t) **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 substances, or any other force within preserve boundaries. Parents or guardians will be held strictly responsible and accountable for the actions of minors with regard to the prohibition in this subsection.
- a. **Will bows be permitted at Pepper Ranch for hunting? yes**
- (u) **Trash.** No person shall dispose of trash, garbage debris, waste, cigarette butts or other such materials within preserve boundaries. All items resulting from allowable activities

within preserve lands, such as picnicking and camping, shall be disposed of in containers where available and clearly marked or removed the preserve.

- (v) *Vendors.* No person or organization other than the county, the County's invited non-profit participants in a County event selling items for fundraising purposes 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 boundaries of a county preserve.
- (w) The County reserves the right to limit certain activities within any preserve land when, in the County's sole discretion, an area has reached its carrying capacity for such activities.

98.66 Permits required for activities conducted with preserve boundaries

- (a) *Permit required.* A preserve lands permit, issued by the county, is required before a person may engage in certain activities, listed below. Issuance of a preserve lands permit does not however relieve the applicant of other permits needed. It is the applicant's responsibility to determine if additional permits are required, to contact the appropriate agencies and to obtain those permits. The county will not issue a preserve lands permit until all other required permits have been obtained.
- (b) *Activities requiring a permit.* Activities for which permit applications must be submitted include, but are not limited to, any of the following:
 - a. Scientific research including, but not limited to, biological assays, species identification, or collection, species observation, archaeological survey, hydrological, geological or chemical studies. This does not include such activities as visual observation of wildlife or vegetation within public areas.
 - b. Geo-caching or other types of similar activities utilizing Geographic Information Systems (GIS).
 - c. Group nature activities either prior to or after the posted hours of operation, or that require access to restricted areas not open to the public.
 - d. Camping.
 - e. Hunting on the Pepper Ranch and Caracara Prairie Preserves.
 - f. Facility Rentals for Special Events - Any activity not specifically defined within this ordinance for which permission is required by the County Manager or his designee, such as weddings and family reunions.
 - g.
 - h. All commercial photography, television broadcasting, and all private photography involving special settings or structures or the performance of any person.
 - i. All group activities involving 30 or more people. **(The county requires insurance on groups this size in county parks we should stay consistent with county policy).**
- (c) *Standards for issuance or denial of permit.* No permit shall be issued unless the county finds that the proposed activity will not have an adverse impact on the resources within the preserve. The county will evaluate the applications using the standards contained in this section. Factors to be considered in determining whether an activity will adversely impact the resources of preserve lands include:

- a. Whether the activity is consistent with the intent of this article and the preserve management principles and objectives.
- b. Whether the activity will have an adverse impact on the resources of preserve lands by;
 - i. Causing or contributing to excessive odors or noise;
 - ii. Encouraging erosion;
 - iii. Causing damage to plant life;
 - iv. Negatively impacting wildlife;
 - v. Altering the natural hydrological characteristics of the subject area;
 - vi. Inhibiting the natural storage and detention functions of the watershed;
 - vii. Reducing wetland buffers or wetland filtration functions;
 - viii. Decreasing recreational opportunities;
 - ix. Blocking, obstructing, lessening, or otherwise interfering with the scenic or natural views;
 - x. Impacting threatened or endangered species of flora and fauna;
 - xi. Otherwise adversely effecting or interfering with the management of the natural and cultural resources.
- (d) *Conditions.* The permit shall contain such conditions that are reasonably consistent with the protection and maintenance of preserve lands.
- (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 and notification of the granting or denial of permits will be provided to the applicant within 30 days of submission of the application. Failure to grant or deny an application for a permit in a timely manner shall not be grounds for the automatic issuance of a permit. The county will cooperate with the applicant to ensure his or her entitlement to prompt review of the county's failure to grant or deny the application in a timely manner.
- (g) *Appeal process.* An applicant may appeal the denial of a permit application by filing a notice of appeal and resubmitting all application materials to the County Manager or his or her designee Any such appeal must occur within 30 days of the date of denial or revocation by the county. The County **Manager** or his or her designee shall review the application and grant or deny the application within 14 days of receipt of the appeal. No county action on a permit application under this section is final until the County **Manager or his or her designee** has granted or denied the appeal.
- (h) *Incomplete applications.* If the county determines that the application is incomplete or that the applicant has not properly completed the application, the county 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) *Revocation.* Any permit issued pursuant to this section may be revoked for failure to comply with any condition imposed on the permit or for inconsistency with the criteria set forth in subsection c.

- (k) *No entitlement to permit.* Because of the proprietary nature of the preserve lands, this section does not create any right or entitlement to the permit.

98.67. Hours of Operation.

- (a) The opening and closing of each preserve land, including sections of a preserve and trails, shall be as posted by the county. No person shall remain on preserve land after closing unless otherwise permitted by these regulations or appropriate permit.

98.68. Enforcement and Penalties

- (a) Any person violating the provisions of this ordinance or fails to comply with the requirements of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined or imprisoned, or both, as provided by law, and in addition shall pay all costs and expenses incurred in the prosecution of such violation.
- (b) In addition, and as an alternative means of enforcement, the county may enforce the provisions or requirements of this ordinance by means of any civil remedy before the appropriate Code Enforcement Special Master or in a court of competent jurisdiction.
- (c) Except as otherwise provided by law or ordinance, a person convicted of a violation of this article shall be punished by a fine not to exceed \$500.00. With respect to violations of this Code that are continuous with respect to time, each day the violation continues is a separate offense.

- (d) All provisions of this article may be enforced by all authorized law enforcement officers, and all county personnel authorized by the county.

Comment [IT5]: Jennifer – is this accurate? Can we make it so just be saying so in an ordinance

98.69. Territory Embraced.

All territory designated by the Board as a preserve land, including buildings, and facilities thereon, whether located in unincorporated or incorporated areas of the county, shall be embraced by the provisions of this article.

98.70. Conflict and Severability.

In the event this ordinance conflicts with any other ordinance of Collier County or applicable law, the more restrictive shall apply. If any phrase or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion.

98.71. Effective Date.

This ordinance shall take effect upon receipt of notice from Florida Secretary of State that this ordinance has been filed with the Florida Secretary of State.

Passed and duly adopted by the Board of County Commissioners of Collier County, Florida, this _____ day of _____ 2010.